

Government of Jammu and Kashmir
Technical Education/Youth Services & Sports Department
Civil Sectt; J&K Jammu.

Sub: SWP No. 1555/2011, CMP No. 2589/2011, SWP No. 1526/2011, CMP No. 2528/2011 titled Sabha Farooq Pandit Vs State of J&K and Mohammad Aslam Beigh Vs State of J&K and others

Government Order No: 48 -Edu (Tech) of 2016

D A T E D: 25 - 02 - 2016

Whereas, Jammu & Kashmir Service Selection Recruitment Board vide advertise Notification No. 03 of 2006 dated: 28/12/2006 and 06 of 2008 dated 28/05/2008 invited application from eligible candidates for 102 posts of Physical Education Teacher;

Whereas, the eligible candidates applied and accordingly selection list was issued by the SSRB vide their recommendation no. SSB/SEL/SECY(PET)/010/1792-97 dated 31/05/2010;

Whereas, one Smt. Saba Farooq Pandit D/O Farooq Ahmed Pandit R/O Magarmal Bagh Srinagar was selected at S.No.39 in open merit category having secured 42.96 points and department issued formal appointment order in her favour vide Order No. 25-DYSS/ESTT of 2010 dated: 29/07/2010;

Whereas, in order to ascertain Genuineness of certificates, Director General, Youth Services and Sports send the certificates of Saba Farooq to State Sports Council for verification;

Whereas, the Selection/Appointment of Saba Farooq Pandit was also challenged by one Mohammad Aslam Beigh by way of a writ petition titled Mohammad Aslam Beigh vs State and others bearing SWP No. 1526/2011 on the ground that the selection of Saba Farooq Pandit is based on false and frivolous certificate and prayed that her selection should be cancelled and the petitioner be appointed on her place, being S.No.10 in the waiting list with 34.72 marks. It is pertinent to mention that the candidates from Serial 1 to 9 ahead of him had already been appointed.

Whereas, the administrative officer of the Sports Council vide his communication No. SC/2353/5812 dated: 27/01/2011 informed Director General, Youth Services and Sports that certificate indicating

WDB

Q

participation of Ms. Saba Farooq Pandit in 1st National Women Yoga Championship held at Kurukshetra was not recognized and Women Yoga Federation of India was neither recognized as National Level Federation by Govt. Of India, nor by Indian Olympics;

Whereas, because of non recognition of the certificates of the Saba Farooq, her aggregate merit came down to 32.36 which was far below cut off merit, hence could not make merit in the selection zone;

Whereas, the Director General YSS Srinagar cancelled appointment of Saba Farooq Pandit vide Order DYSS/Estt/4023-27 dated 18.07.2011.

Whereas, Aggrieved by cancellation of appointment Saba Farooq Pandit challenged the order of cancellation before the Hon'ble High Court by way of writ petition titled Saba Farooq Pandit vs State and Others bearing SWP No. 1555/2011.

Whereas, both the writ petitions were clubbed by the Hon'ble Court and were decided vide order dated: 18/12/2015. The operative part of the order is reproduced as under:-

"For the reasons discussed, writ petition bearing SWP No. 1555/2011, is dismissed. Challenge to Order No. DYSS/Estt/4023-27 dated: 18/07/2011, is held not to succeed. The writ petition bearing SWP No. 1526/2011, is allowed. Respondents 1 and 2 are directed to appoint Shri Mohammad Aslam Beigh petitioner in SWP No. 1526/2011, against the vacancy that has become available consequent to cancellation of selection/appointment of Ms. Sabah Farooq Pandit for the post of Physical Education Teacher, District Cadre, Srinagar. Let such exercise be completed within eight weeks from date of this Judgment. Ms. Saba Farooq Pandit with graduation and Bachelors Degree in physical Education to her credit and eligibility for the post of Physical Education Teacher has been serving the Department as Physical Education Teacher for last more than five years. The official respondents therefore may, in the event a clear vacancy of Physical Education Teacher, District cadre Srinagar is available as on date against which Mr. Mohammad Aslam Beigh can be appointed, retain and allow to continue Ms. Saba Farooq Pandit as Physical Education Teacher, so that affairs of life that must have got settled with her appointment, are not unsettled.

Whereas, Hon'ble court has dismissed the service writ petition no. 1555/2011 and allowed SWP No. 1526/2011 and directed



respondent No. 1 & 2 to appoint Shri Mohammad Aslam Beigh against the vacancy that has become available consequent to cancellation of Selection/Appointment of Saba Farooq Pandit for the post of Physical Education Teacher.

In order to implement the judgment dated 18.12.2015 in its letter and spirit:-

Sanction is hereby accorded to the appointment of Sh. Mohammad Aslam Beigh S/o Gh. Mohammad Beigh R/o Budshah Mohalla, Lal Bazar, Srinagar, as Physical Education Teacher in Youth Services and Sports Department in the Pay Band of Rs. 5200-20200 with Grade Pay of Rs. 2400/- in District Cadre Srinagar against the vacancy that has become available consequent to cancellation of selection/appointment of Smt. Saba Farooq Pandit D/O Farooq Ahmed Pandit R/O Magarmal Bagh Srinagar vide Order No. DYSS/Estt/4023-27 dated 18.07.2011 .

By order of the Government of Jammu and Kashmir.

Sd/-

(Hirdesh Kumar) IAS

Commissioner/Secretary to Government
Technical Education/YSS Department

No: Edu/Tech/Phy/Legal/46/2011

Dated: 25-02-2016

Copy to the:-

1. Director General , Youth Services and Sports, J&K, Jammu. He shall allow Sh. Mohammad Aslam Beigh to join and issue posting order in his favour. The other terms and conditions shall remain same as laid down in letter No. Edu/The/Phy/78/2008-II dated 25.06.2010.
2. Pvt. Secy. To Advisor (D) for Hon'ble Governor, for the information of worthy Advisor.
3. Pvt. Secy. To Commissioner/Secretary to Government, Technical Education Department
4. Sh. Mohammad Aslam Beigh. He shall report to Director General, Youth Services and Sports for joining and further posting .
5. Government order file (w.2.s.c)

Jyoti Raina
(Jyoti Raina)

Under Secretary to Government
Technical Education/YSS Department

W/S
25/2/16