

**GOVERNMENT OF JAMMU AND KASHMIR**  
**DIRECTORATE OF SCHOOL EDUCATION, JAMMU**

e-mail: dsejammu @ Yahoo.in/ www.dsej.org.

**Subject: SWP No. 1576/2018 titled Salma Sultana v/s State & ors.**  
**Ref: Administrative Department's office order no. 49-Edu of 2020**  
**dated 11.09.2020**

ORDER No. 344  
Date: 17-09-2020

Whereas, Smt. Salma Sultana was appointed as General Line teacher vide order no. CEOK/10573-78 dated 25.07.2009 under RBA category in district cadre Kathua; and

Whereas, consequent upon her appointment, she was posted as General line teacher in GMS, Beril, Zone Billawar, district Kathua by the then CEO, Kathua; and

Whereas, vide order no. DSEJ/NG/2011/206-08 dated 04.07.2011, she was deployed in the Legal Section of Directorate of School Education, Jammu; and

Whereas, as per the approval accorded by the Administrative Department, the then Director School Education, Jammu vide order no. 451-DSEJ of 2015 dated 21.08.2015 had detached Smt. Salma Sultana with the direction to report to her original place of posting; and

Whereas, instead of joining at GMS, Beril, Zone Billawar, district Kathua, Smt. Salma Sultana approached the Hon'ble High Court, Jammu through a medium of writ petition bearing SWP No. 2390/2015 titled Salma Sultana v/s State and others, wherein, she prayed for the quashment of order dated 21.08.2015 and also issuance of direction to the respondents to transfer her from district Kathua to district Jammu; and

Whereas, the Hon'ble High Court, Jammu disposed of the aforementioned writ petition on 27.08.2015 with the following directions:

**".....Viewed thus, this petition is disposed of with a direction to the petitioner to make a representation to the competent authority and direction to the competent authority to accord consideration thereto in accordance with rules.**

**In order to enable the petitioner to make a representation, petitioner be not relieved from her present assignment for two weeks hereafter."**

Whereas, in compliance with the directions of the Hon'ble High Court, Jammu passed in SWP No. 2390/2015, the Administrative Department considered the case of the petitioner and vide order no. 25-Edu of 2016 dated 29.01.2016 had rejected the claim of the petitioner related to her inter-district transfer by issuing a detailed speaking order; and

Whereas, thereafter, the petitioner namely Salma Sultana again

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approached the Hon'ble High Court, Jammu through a medium of another writ petition bearing SWP No. 105/2016 titled Salma Sultana v/s State and others, wherein, she challenged the Government Order dated 29.01.2016. The Hon'ble High Court, Jammu, however, issued an interim direction on 02.02.2016 which reads as:-

**".....In the meantime, subject to objections from other side and till next date before the Bench, operation of impugned orders dated 29.01.2016 and 30.01.2016 shall remain stayed and petitioner shall be permitted to continue in the Directorate of School Education, Jammu"**

Whereas, after this direction of the Hon'ble High Court, Jammu, objections in the instant writ petition were filed by the Administrative Department through Deputy Secretary to Government, School Education Deptment, J&K, wherein, it has been clearly mentioned that the petitioner was appointed as teacher and she is required to perform her duties as teacher at her place of posting i.e. GMS, Beril, Zone Billawar, District Kathua and more specifically, her services are not required therein i.e. in the legal cell of Directorate of School Education, Jammu; and

Whereas, vide order no. DSEJ/NG/27201-238 dated 12.05.2018, the petitioner was again relieved off from the Directorate of School Education, Jammu. But again instead of joining her duties at Govt. Middle School, Beril, Zone Billawar, District Kathua, she had again approached the Hon'ble High Court, Jammu through medium of another writ petition bearing SWP No. 1576/2018 titled Salma Sultana Vs. State of J&K and ors, wherein, she claimed to be a part of Legal Cell. The Hon'ble High Court, Jammu on 07.08.2018 had passed the following directions:

**".....In the meantime, subject to objections and till next date before the Bench, operation of orders dated 12.05.2018 and 02.08.2018 shall remain stayed....."**

Whereas, after this direction of the Hon'ble High Court, Jammu, objections in the instant case were filed by the Department, wherein, it had been clearly mentioned that petitioner had been relieved time and again by various Directors of School Education Department which only suggests that they were never ever satisfied with her performance and style of working. **It is also important to mention here that the Legal cell created at Directorate level vide Govt Order No. 1590 Edu of 2003 dated 21.10.2003 has clearly mentioned that the personnel so deployed will, necessary, as far as practicable, have a fixed tenure (so as not to create a vested interest) not exceeding two years** but in the instant case the petitioner has been working in Legal Cell at Directorate of School Education, Jammu since 2011; and

Whereas, this office vide communication no.DSEJ/Legal/18432 dated 04.08.2020 took-up the matter with Administrative Department; and

Whereas, Administrative Department vide its office order no. 49-Edu of 2020 dated 11.09.2020 repatriated Smt. Salma Sultana to this Directorate with the direction to undertake teaching work; and

Whereas, Smt. Salma Sultana, in pursuance to the directions of the Administrative Department vide order quoted supra joined in this office on 15.09.2020.

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Now, therefore keeping in view the fact that Smt. Salma Sultana originally appointed as General Line Teacher in RBA category in MS, Beril, Zone Billawar is hereby directed to report to Headmaster, Middle School Beril, Zone Billawar, District Kathua for further duties forthwith.

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No. DSEJ/Legal/ 29003-07

Date: 17-09-2020

(Anuradha Gupta) KAS  
Director School Education,  
Jammu

*Anuradha Gupta*  
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**Copy to the:-**

01. Principal Secretary to Govt. School Education Department, Civil Secretariat, Srinagar for information please.
02. Chief Education Officer, Kathua for information and necessary action.
03. Zonal Education Officer, Billawar for information and necessary action.
04. Petitioner for information and compliance.
05. Incharge website for n.a.