

Government of Jammu and Kashmir
J&K Services Selection Board
Sehkari Bhawan, Rail Head Jammu,
(www.jkssb.nic.in)

Commissioner/Secretary to the Government,
School Education Department,
Civil Secretariat, Jammu.

No. SSB/Secy/Sel/72/2014/1318-21

Dated. 10.02.2020

**Subject: SWP No. 2307/14 titled 'Riyaz Ahmad Wani V/s State of J&K and Others
(Contempt No. 557/2017).**

Sir,

Kindly refer to the subject captioned above. In this connection, it is to state that the J&K Services Selection Board issued the selection list of the candidates for the post of **Teacher (School Education Department) District Cadre Kupwara** pursuant to advertisement notification **No. 07 of 2010 dated 12.11.2010 as Item No. 387, which was** forwarded to the Indenting Department vide letter No. **SSB/Sel/Secy/014/6328-34 dated 23.07.2014** for further course of action, The below mentioned candidate was selected on the strength of the HC certificate:-

**Riyaz Ahmad Wani, S/o Gh. Hassan Wani figuring at S. No. 318
under 0M/HCL category in the select list.**

Subsequently, the School Education Department, vide letter dated 23.08.2014, requested the SSB to put on hold the recommendation in respect of aforementioned candidates and this was done vide letter No. SSB/Sel/Secy/2014/7371-73 dated 23.08.2014. Upon examination of the issue, the matter was placed before the Board in its 113th meeting and it was decided that the recommendation in favour of the candidate (petitioner) herein shall be treated to have been cancelled/withdrawn ab-initio in terms of order No. 387-SSB of 2014 dated 21.11.2014.

In the meantime, the Director School Education Kashmir, vide his communication No. DSEK/Legal/294/14/908 dated 11.08.2018 (**copy enclosed**) took up the matter with the Board for revisiting order No. 387-SSB of 2014 dated 21.11.2014 in light of the latest report received from Chief Education Officer Kupwara coupled with the report of District Board Kupwara, stating therein that the petitioner was provisionally appointed by Director School Education, Kashmir Vide order dated 04.09.2018, which was subsequently cancelled by virtue of another order dated 06.12.2014 pursuant to order No. 387-SSB of 2014 dated 21.11.2014 issued by the Services Selection Board. It has been further conveyed that feeling aggrieved of the cancellation of his appointment, Shri Riyaz Ahmad Wani filed a writ petition bearing SWP No. 2307/14 titled Riyaz Ahmad Wani V/s State of



J&K and Others before the Hon'ble High Court at Srinagar. Upon consideration of the writ petition, the Hon'ble Court was pleased to issue the following interim order on 18.12.2014:-

"...Heard.

Rule Nis.

Notice to show cause as to why Rule is not made absolute.

List after Service is complete. Meanwhile, reply affidavit.

CMP. No. 3657/2014

Notice. Subject to objections and till next date before the Bench, the operation of the impugned order to the extent of petitioner shall stay and he shall be allowed to continue to work as Teacher..."

The writ petition again came up for consideration before High Court on 07.06.2017 resulting into following interim directions:-

"...List in the week commencing 10th July, 2017. In the meanwhile respondents shall release the legitimately earned salary in favour of petitioner..."

The Director School Education, Kashmir has further intimated that in order to take the matter to its logical conclusion, the issue was taken up with the Chief Education Officer Kupwara vide letter No.DSEK/legal/294/14/566 dated 04.06.2018 with copy a copy endorsed Deputy Commissioner, Kupwara and Chief Medical Officer, Kupwara to verify the authenticity/genuineness of PHC Certificate of the petitioner. In response, the Chief Education Officer, Kupwara in terms of his communication bearing No. CEO/KUP/LEGAL/9649-50 dated 23.07.2018 forwarded a copy of report with regard to the genuineness of the disability certificate issued by the Chief Medical Officer, Kupwara vide No. CMO/KUP/Med-Board/2018-19/19 dated 12.07.2018 for information and necessary action.

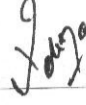
Accordingly, the issue was examined in light of the aforesaid communication dated 11.08.2018 received from the Director School and was placed before the Board in its 154th meeting, however, it was decided to await the final outcome of the writ petition pending disposal before the Hon'ble Court. Subsequently, upon representation of the petitioner, the matter was taken up with the Social Welfare Department for intimating as to whether the disability certificate submitted by the petitioner is valid under law.

The matter was again placed before the Board in its 159th meeting and after deliberating upon the issue, it was decided to revisit the Order No. 387- SSB of 2014 dated 21.11.2014 to the extent of the petitioner and to release recommendation in his favour. after ascertaining the genuineness of the certificates produced by the said candidate by the indenting Department.

Now, therefore the recommendation of the candidate namely Reyaz Ahmad Wani is hereby released subject to the condition that the genuineness/relevance/validity of the certificates particularly PHC certificate be ascertained by the indenting department before taking any further action in the matter.


(Ranjeet Singh) KAS,
Secretary,

J&K Services Selection Board,
Jammu.



Copy to the:-

1. Director School Education for information. This is in reference to his letter No. DSEK/Legal/294/14/908 dated 11.08.2018.
2. Pvt. Secretary to Chairman for information to the Ld. Chairman.
- ✓ 3. Incharge Website. SSB Central Office, Jammu.