

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

SWP No. 2757/2013
IA No. 4055/2013

Pronounced on:- 19th .05.2020

Ashok Kumar ...Petitioner(s)

Through: Mr. Ajay Abrol, Advocate

vs.

State of J&K and others ...Respondent(s)

Through: None

CORAM: HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE

JUDGMENT

1. Petitioner was selected and appointed as Physical Education Teacher in the year 1992 in the Department of Youth Services and Sports. He qualified Master's Degree in Physical Education in the year 1999 and was promoted in the Master Grade vide order dated 26.10.2007 and placed as In-charge Lecturer in his Own Pay and Grade in terms of Govt. order No. 60-Edu(Tech.) of 2008 dated 25.04.2008. Petitioner submits that he is senior to the respondent Nos. 3 to 7, who were junior to him in the order of promotion as Lecturers in the Physical Education Department. Vide Govt. Order No. 215-Edu(Tech.) of 2013 dated 06.12.2013, respondents have promoted eight In-charge Physical Education Lecturers in the cadre of Assistant Director/District Youth Services and Sports Officer.
2. Petitioner submits that he possesses two years master Degree in Physical Education from recognized university and is senior to all the

private respondents, who have been promoted. He thus aggrieved of the placement of private respondents as in-charge District Youth Services and Sports Officers in their own pay and grade pending clearance from PSC/DPC. This order is arbitrary and illegal and has been passed on the basis of pick and choose without adhering to the seniority position in the year.

3. The respondents in their objections have stated that the similar question arose for consideration in SWP Nos. 459/2014 and 2542/2013 in which while considering the challenge to order No. 251-Edu(Tech.)of 2013 dated 06.12.2013, the Coordinate Bench at Srinagar on 22.07.2014, while considering the same, disposed of the petitions with the following directions:

“(a) The respondents shall get expert opinion from the University of Jammu/Kashmir and the UGC as the case may be, as regards the validity of the degrees possessed by the petitioners. Based upon the opinion so obtained, a decision shall be taken as regards their eligibility for future promotion.

(b) The respondents shall not hold the degrees held by the petitioner, Gurmukh Singh, as bad only on the ground that it was awarded after undergoing a one year course if the same had been obtained by him before the UGC decision to recognize a two year degree course.

(c) Respondents are directed to consider the cases of all eligible candidates for promotion to the post of District youth Services and Sports Officers on regular basis in accordance with rules subject to the fulfillment of the qualification and eligibility requirement. The respondents

shall take all necessary steps for placing the case of all eligible candidates for regular promotion before the DPC/PSC. The entire process should be completed within a period of four months from today. Till such regular promotions are effected the order dated 6th December, 2013 making incharge promotions against the posts of District youth Services and Sports Officers shall continue. All incharge arrangements shall come to an end by 30th November, 2014 against the posts of District youth Services and Sports Officers.”

4. In terms of directions passed by this Court, the respondents were to consider the case of eligible candidates for promotion to the post of District, Youth Service Sports on regular basis and in terms of the said judgment they have already formulated a committee to consider the seniority and asserting the genuineness.
5. This petition is also disposed of in terms of judgment passed in SWP No. 459/2014.
6. **Disposed of** alongwith IA in the aforesaid terms.

(Sindhu Sharma)
Judge

JAMMU
19th .05.2020
SUNIL-II

Whether the order is speaking	:	Yes
Whether the order is reportable	:	Yes/No