

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT
SRINAGAR**

Reserved on: 25.08.2025

Pronounced on: 29.08.2025

CJ Court

WP(C) No.2929/2023

Miss Maisara, aged: about 35 years now,
D/o Mohammad Hamza Dar R/O Hajam
Mohalla Kachloo Qazipora Tehsil
Handwara

...PETITIONER(S)

Through: - Mr. Hilal Noorani, Advocate

Vs.

1. UT of J&K through Commissioner/
Secretary to Govt. Education
Department Civil Secretariat,
Jammu/Srinagar.
2. Director, School Education, Kashmir
Srinagar.
3. Zonal Education Officer, Langate,
Handwara.

...RESPONDENT(S)

*Through: - Mr. Allau-udin Ganai, AAG, with
Ms. Shaila Shameem, Assisting Counsel.*

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE**

JUDGMENT

OSWAL 'J'

1) The petitioner had initially filed a writ petition bearing SWP No. 418/2006 before this Court for commanding the respondents to implement the order dated 02.11.2005 issued by Chief Education Officer, Kupwara, and issue the formal engagement order as

Education Volunteer in her favour for Education Guarantee Centre, Hajam Mohalla, Kachloo, Qazipora. The aforesaid writ petition was subsequently transferred to the Central Administrative Tribunal, Srinagar Bench, Srinagar (for short “the Tribunal”) and renumbered as TA No. 1872/2020.

2) It was stated by the petitioner in her writ petition that the respondents had decided to set up an Education Guarantee Centre, Hajam Mohalla, Kachloo, Qazipora and sanction was also accorded for setting up of the above mentioned Education Guarantee Centre. The Chief Education Officer, Kupwara, vide order dated 31st January, 2005, directed the respondent No.3 to provide the panel of eligible candidates of the above named habitation i.e. Hajam Mohalla, Kachloo, after giving up wide publicity through advertisement. In response thereto, a notice dated 09.03.2005 was claimed to be published inviting applications for engagement of Education Volunteer for Hajjam Mohalla, Village Kachloo. After the applications were received and processed, the respondent No.3 prepared the panel of candidates, wherein the petitioner figured at serial No.1. The objections were also invited but as no objections were received against the panel, the respondent No.3 vide his communication dated

03.10.2005, forwarded the said panel to Chief Education Officer, Kupwara, for his approval. In terms of order dated 2nd November, 2005, the approval was also granted for engagement of petitioner as Education Volunteer under Sarva Shiksha Abiyan (SSA) for Education Guarantee Centre, Hajam Mohalla.

3) In terms of sanction dated 2nd November, 2005, the certificates of the petitioner were verified and found to be genuine as stated by the petitioner but the formal order in respect of the engagement of the petitioner was never issued by the respondent No.3. The petitioner claims to have submitted various representations for issuance of formal engagement order but in vain, and accordingly, the writ petition was filed by the petitioner for the above mentioned reliefs.

4) The respondents filed their objections to the writ petition stating therein that the relief sought by the petitioner cannot be granted as in the order dated 2nd November, 2005, whereby approval was conveyed in respect of engagement of the petitioner as Education Volunteer, the qualification of the petitioner was mentioned as 10+2 but it was found that the panel submitted by the respondent No.3 mentioned the qualification of the petitioner as 'Matriculate'. It was

further stated that as per condition No.8 of the sanction order dated 02.11.2005, before issuing formal engagement order, the Zonal Education Officer had to verify all the certificates in original and also to ensure that students enrolled are plus five years of age reading in first primary and the Education Guarantee Centre fulfills all the formalities required under EGS norms as per the guidelines laid down in SSA scheme before implementing the engagement order.

5) In the light of the aforesaid condition, on verification, it was found that habitation Hajam Mohalla, where the petitioner was supposed to be engaged, did not exist in village Kachloo but existed in Village Kachipora. The petitioner, admittedly, was the resident of Village Kachloo, therefore, was not eligible as per the norms against the post available in different village. Further as per the guidelines laid down in SSA scheme, the establishment of Education Guarantee Centre requires enrolment of 15 students in age group of +5 years and there has to be distance of at least one kilometer from other existing school, whether private or Government. In the instant case, it was found that the habitation in question was not a school less habitation and there existed three schools, including the Middle School and an EGS Centre already

established under SSA scheme. In terms of the guidelines (supra), there was no need for having EGS Centre in the same habitation/village, as such, the engagement order could not be issued in favour of the petitioner. It was further stated that the feasibility projected by the respondent No.3 was not based on record and taking into consideration such practices having been adopted by some of the officials of the Department, Director, Sarva Shiksha Abiyan imposed total ban for opening EGS Centres vide order dated 2nd March, 2006. It was further averred that complaints/representations were received from the public wherein it was alleged that EGS Centre sanctioned for Hajam Mohalla Village Kachloo is not genuine as there is no Hajam Mohalla in Village Kachloo. The said complaints/representations were found to be genuine and, as such, formal engagement order was not issued in favour of the petitioner.

6) The petitioner also filed a rejoinder to the objections filed by the respondents, stating therein that the father of the petitioner and some other residents of Village Kachloo have developed a new habitation at the border end of the main village and raised new constructions of their residential houses and have named the same as 'Hajam

Mohalla' and, as such, the EGS Centre was created by the department for above mentioned habitation.

7) The learned Tribunal vide its order dated 13th September, 2023, dismissed the petition and being aggrieved thereof, the petitioner has filed the present writ petition for quashing of the same on the grounds that the learned Tribunal has not rightly decided the controversy at hand and has passed the order impugned being oblivious to the order dated 31st January, 2005, notice dated 9th March, 2005 and the other documents placed on record by the petitioner to demonstrate that the centre was sanctioned for Hajam Mohalla Village Kachloo.

8) The respondents have objected to the petition on the grounds urged by them in their response before the learned Tribunal.

9) Heard learned counsel for the parties and perused the record.

10) It is the stand of the respondents that during scrutiny of the papers regarding EGS Centre at Hajam Mohalla Village Kachloo, it was found that there was no Hajam Mohalla in Village Kachloo. In the rejoinder filed by the petitioner, it has been stated that the father of the petitioner and some other residents of Village Kachloo

have developed a new habitation and named the same as 'Hajam Mohalla'. The so called "Hajjam Mohalla" in village Kachloo is the self created habitation by the father of the petitioner and some other persons, whereas the respondents are candid in their response that Hajjam Mohalla exists in village Kachipora. Further the record depicts that as per SSA scheme, an EGS Centre requires enrolment of 15 students in the age group of +5 years and there has to be distance of at least one kilometer from other existing school, whether private or Government. It is also the stand of the respondents that there is Middle School and an EGS Centre already established under SSA scheme in village Kachloo, therefore, there was no need of having one more EGS Centre in the habitation/village in question.

11) It is evident that as per the own case of the petitioner, one self-styled habitation, namely, 'Hajam Mohalla Village Kachloo' has been established by the father of the petitioner and some other residents of Village Kachloo, for which there is no approval/order in respect of establishment of EGS Centre. The communication dated 31st January 2005 is only in respect of providing of panel of eligible candidates of the above named habitation. Further condition No.6 of order dated 2nd November, 2005,

relied upon heavily by the petitioner, reveals that in case of any discrepancy, the engagement order in such case will not be issued and the matter would be brought to the notice of the Chief Education Officer, Kupwara, for further clarification. The respondents have demonstrated that there was no need to open additional EGS Centre in Village Kachloo.

12) We have examined the order passed by the learned Tribunal and we do not find any illegality or impropriety in the same, which would warrant indulgence at our end. The present petition is found to be misconceived and the same is dismissed accordingly.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Whether the **Judgment** is speaking:
Whether the **judgment** is reportable:

Yes
No

Srinagar
29.08.2025
“Bhat Altaf”