

**Government of Jammu and Kashmir
Health and Medical Education Department
Civil Secretariat, Jammu/Srinagar**

Subject:- Promotion of Smt. Rajni Sharma, PHN/Tutor as Sister Tutor in AMT School, Jammu(Government Medical College, Jammu).

**GOVERNMENT ORDER No:-765-JK(HME) OF 2022
D ATED:- 28 -10 -2022**

WHEREAS, on the recommendations of the JKSSB, Smt. Rajni Sharma was appointed as Jr. Staff Nurse issued by the Principal, GMC, Jammu vide Order No. 16/AHJ of 1995 dated 06.02.1995;

AND WHEREAS, vide Order No. 361/AHJ of 2004 dated 01.09.2004, Smt Rajni Sharma was placed as I/C Public Health Nurse (PHN) Tutor. On the recommendations of the DPC (Non-Gazetted), she was confirmed/regularized on the said post w.e.f 14.12.2007 vide Order No. 104/AHJ of 2008 dated 07.05.2008;

AND WHEREAS, Smt. Rajni Sharma, PHN Tutor was the only candidate with M.Sc Nursing which is the minimum qualification required for appointment to the post of Principal, AMT School besides having 10 years of teaching service, she was ordered to look after the duties of Principal, AMT School, Jammu, till the post is to be filled through regular process vide Government Order No. 677-HME of 2012 dated 09.11.2012;

AND WHEREAS, Smt Rajni Sharma approached the Department for regularization to the post of Principal, AMT School and the Health and Medical Education Department could not regularize her to the post of Principal, AMT school, Jammu for want of 10 years of teaching experience. Felt aggrieved, she approached the Hon'ble High Court in case SWP No. 520/2013 titled Smt Rajni Sharma vs State & Ors with the plea that she may be regularized against the post of Principal, AMT School, Jammu. The Hon'ble High Court passed the judgement on 30.07.2013 as:-

"Petitioner is working as I/C Principal, AMT School, Jammu. She claims to be only eligible candidate except for deficiency in experience for the aforesaid post. Her case is that in terms of Rules where no other eligible candidate is available, the respondents are under an obligation to consider relaxation in experience of the sole eligible candidate. The respondents in their reply have admitted to have processed the petitioner's case for relaxation. However, final decision is yet to be taken as regards substantive appointment of petitioner as Principal,

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AMT School, Jammu and the matter is stated to be under active consideration of the Government.

The stand taken by the respondents narrows down the controversy in the matter. The petition, in the circumstance, is disposed of with a direction to the respondents to take decision as regards relaxation of experience in favour of the petitioner of course, in accordance with Rules within a period of four weeks from the date of receipt of copy of this order, so that the petitioner is not pushed to any further uncertainty.”;

AND WHEREAS, to implement the above judgement, vide Government Order No 214-HME of 2014 dated 22.04.2014, a relaxation in teaching experience by a period of 04 months and 20 days was sanctioned in her favour. In the meantime, charge allowance as I/C Principal AMT School, Jammu was also sanctioned in her favour vide Govt order No. 829-HME of 2015 dated 31.12.2015;

AND WHEREAS, as per the J&K Medical Education (Gazetted) Service Recruitment Rules, 1979 and Government Order No. 26-HME of 2006 dated 19-01-2006, the step-wise mode, minimum recruitment and feeding cadres for the post of Principal AMT School is two-way:

1. Lien through Nursing Unit:

S.No	Post	Feeding post	Eligibility	Minimum qualification
1	Principal AMT School	By promotion from Nursing Supdt/ Principal Tutor	M.Sc Nursing	10 yrs of experience in teaching in Nursing College
2	Nursing Supdt	By promotion from Principal Tutor & Matron	B.Sc Nursing with 5 yrs experience as Matron OR Diploma in Nursing with 10 yrs of experience as Matron	
3	Principal Tutor	By promotion from Matron/Assistant Matron Tutor/Sister Tutor	B.Sc Nursing with 5 yrs teaching experience as Sister Tutor or equivalent	
4	Matron	By promotion from Assistant Matron	B.Sc Nursing with 5 yrs experience as Sister OR Diploma in Nursing with 10 yrs of experience as	

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			Sister	
5	Assistant Matron	100% promotion from Class XIX Category B i.e., Nursing Supervisor/ Sister Supervisor with 7 yrs as such		
6	Nursing Supervisor/ Sister Supervisor	100% by promotion from Class XIX Category C i.e Sr Grade Nurse/Theatre Nurse with 7 yrs of service as such		
7	Sr Grade Nurse/ Theatre Nurse	50% by direct recruitment. 50% by promotion from Class XIX Category D i.e., Jr Staff Nurse with 7 yrs of service as such	10+2 or above qualification with B.SC Nursing from recognized Institute for direct recruitment	
8	Jr Grade Nurse	75% by direct recruitment 25% by promotion from in-service female candidates having diploma in Nursing...	10+2 or above qualification with B.SC Nursing from recognized Institute for direct recruitment	

2. Lien through Nursing Education/Tutor Unit:

S.No	Post	Feeding post	Eligibility	Min qualification
1	Principal AMT School	By promotion from Nursing Supdt/ Principal Tutor	M.Sc Nursing	10 yrs of experience in teaching in Nursing College
2	Nursing Supdt	By promotion from Principal Tutor & Matron	B.Sc Nursing with 5 yrs experience as Matron OR Diploma	

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			in Nursing with 10 yrs of experience as Matron	
3	Principal Tutor	By promotion from Matron/Assistant Matron Tutor/Sister Tutor	B.Sc Nursing with 5 yrs teaching experience as Sister Tutor or equivalent	
4	Sister Tutor	25% by direct recruitment 75% by promotion Class XX Category B i.e., Public Health Nurse/Tutor	M.Sc Nursing from recognized Institute	
5	Public Health Nurse/Tutor	50% by direct recruitment 50% by promotion from Class XX Category C i.e, Junior Public Health Tutor	B.Sc Nursing from recognized Institute	
6	Junior Public Health Tutor	75% by direct recruitment 25% by promotion from in-service candidates having requisite qualification as per INC chart	B.Sc Nursing from recognized Institute	

AND WHEREAS, in the meantime, the Health and Medical Education Department received a judgement from the Hon'ble High Court at Jammu vide SWP No. 2054/2015 titled Smt Rajni Sharma vs State & Ors on 16.09.2015 with the following directions:-

"Petitioner is continuing as Incharge Principal AMT School, Jammu in terms of Government Order No. 829-HME of 2015 dated 31.12.2015. The Government has released the charge allowance in favour of the petitioner as permissible under rules for having discharged her services against the post of Principal, AMT School Jammu. it is submitted that the services of similarly situated Principal- Halima Akhter placed as Incharge Principal, AMT School Srinagar in her own pay and grade vide order No. 438-HME of 2011 have been regularized on the recommendation of PSC/DPC vide Government Order No. 621-HME of 2013 dated 02.12.2013.



Prima facie, it appears that respondents have unnecessarily withheld the benefit of regularization in favour of the petitioner.

In the circumstances, this application is disposed of with a direction to the respondents to confirm the petitioner as Principal, AMT School Jammu with effect from 09.11.2012 in accordance with Rule 7 (1) of J&K Medical Education (Gazetted) Service Recruitment Rules, 1979. Consideration shall be effected and decision taken on the similar lines as has been done in case of Halima Alhter expeditiously within a period of two months".

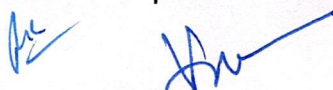
AND WHEREAS, furthermore, the Department received another direction from the Hon'ble High Court at Jammu vide CPSW No. 262/2017 in SWP No. 2054/2015 titled Rajni Sharma Vs Dr. M.K.Bhandari and Anr. On 08.05.2019 with the following direction:-

"In the statements of facts filed on 10.09.2018, the respondents have indicated that the steps are being taken to complete the promotion/confirmation case of the petitioner for its placement before the DPC/PSC, but as per the learned counsel for the petitioner, the same has not yet been sent to PSC. He claims that all requisite formalities for placement of the case before the DPC/PSC have since been completed.

When confronted with the aforesaid position, Mr. H.A. Siddique, Learned Sr. AAG, appearing on behalf of the respondents stated that if that is the position, the respondents would ensure that case of the petitioner complete in all respects is sent to the PSC within a period of two weeks from today and it is not complete, same would be completed and submitted to the PSC within four weeks".

AND WHEREAS, in pursuance of the Hon'ble High Court directions, the regularization case of Smt. Rajni Sharma was submitted to JKPSA vide letter dated 23.05.2019. In response, the JKPSA in communication dated 10.10.2019 intimated the Department regarding the ambiguity in the method of recruitment rules as feeding category for promotion to the post of the Principal AMT School (as was discussed in the PSC meeting dated 01.10.2019) and returned the proposal with the remarks to address the ambiguity in the recruitment rules and to furnish the status of various court cases including CMP No. 281/2014 in SWP No. 2597/2012 titled Inder Kour and Others v/s State and Others having bearing on the instant proposal;

AND WHEREAS, as per the provisions of the J&K Medical Education (Gazetted) Service Recruitment Rules, 1979, Nursing Superintendent/Principal Tutor is the feeding cadre for the post of Principal, AMT School. There is no ambiguity in the recruitment rules. However, Smt. Rajni Sharma has been placed on the post of Principal, AMT School, bye-passing several steps of hierarchy through which she had to mandatorily pass for promotion to the post of Principal. Smt. Rajni Sharma has not been



promoted as Sister Tutor and then Principal Tutor which is the feeding cadre to the post of Principal and in order to regularize her on the post of Principal, AMT School, Jammu, she must be promoted on the post of Sister Tutor and then Principal Tutor in the first instance and thereafter she can be regularized on the post of Principal, AMT School. However, to settle the case, vide this department's letter dated 04.07.2022, the Principal, GMC Jammu was requested to furnish the vacancy position of Sister Tutor w.e.f 01.09.2009 and Principal Tutor w.e.f 01.09.2014;

AND WHEREAS, in response, the Principal, GMC Jammu has reported that Smt. Rajni Sharma has been promoted as PHN Tutor w.e.f. 01.09.2004 and the post of Sister Tutor has been vacant from 2009-10 till ending December, 2014;

NOW THEREFORE, in order to implement the directions dated 08.05.2019 issued by the Hon'ble High Court in CPSW No. 262/2017 in SWP No. 2054/2015 titled Rajni Sharma Vs Dr. M.K.Bhandari and Anr., post facto sanction is hereby accorded to the placement of Smt Rajni Sharma as Sister Tutor, AMT School, Jammu (Government Medical College, Jammu), notionally w.e.f 01.09.2009.

By order of the Government of Jammu and Kashmir.

Sd/-

(Bhupinder Kumar)IAS

Secretary to the Government
Health and Medical Education Department

Dated:-28.10.2022

No.ME-Gztd/291/2021-02

Copy to the:-

1. Principal Secretary to the Lieutenant Governor, J&K, Srinagar.
2. Joint Secretary(J&K), Ministry of Home Affairs, Government of India.
3. Principal, Government Medical College, Jammu.
4. Director, Finance, Health and Medical Education Department.
5. Director, Archives, Archeology & Museums, J&K, Srinagar.
6. Additional Secretary to the Government(Legal) Health and Medical Education Department.
7. Private Secretary to the Secretary to the Government, Health and Medical Education Department.
8. I/C Website.

(Pamposh Ganju)

Under Secretary to the Government
Health and Medical Education Department