



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

\*\*\*\*\*

**Subject:** Consideration order in compliance to order dated 16.09.2016 passed in MP 01/2015 in SWP No. 2054/2015 titled Rajni Sharma V/S State & others.

**Government Order No. 1076-JK (HME) of 2023**

**Dated: 20-12-2023**

**Whereas,** on the recommendations of JKSSB, Smt. Rajni Sharma was appointed as Jr. Staff Nurse vide Order No. 16/AHJ of 1995 dated 06.02.1995 issued by Principal, Government Medical College, Jammu and vide Order No. 361/AHJ of 2004 dated 01.09.2004, she was placed as Incharge Public Health Nurse (PHN) Tutor. On the recommendations of DPC (Non-Gazetted), she was regularized on the said post w.e.f. 14.12.2007 vide Order No. 104/AHJ of 2008 dated 07.05.2008; and

**Whereas,** vide Government Order No. 677-HME of 2012 dated 09.11.2012, Smt. Rajni Sharma, PHN Tutor was ordered to look after the duties of Principal, AMT School, Jammu, till the post is filled through regular process. The petitioner has also been paid charge allowance for the said period; and

**Whereas,** Smt. Rajni Sharma in the meantime sought regularization on the post of Principal, AMT School and towards that end filed a writ petition bearing SWP No. 2054/2015 titled Rajni Sharma vs State & Ors before the Hon'ble High Court; and

**Whereas,** the Hon'ble High Court vide interim order dated 16.09.2016 passed in MP 01/2015 in SWP No. 2054/2015 titled Smt. Rajni Sharma vs State & Ors directed as under:

***"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 Akhter expeditiously within a period of two months".***

**Whereas,** in the meantime the case got transferred to Central Administrative Tribunal Jammu Bench wherein the case has been registered as T.A. No. 8534/2021; and

**Whereas,** the method of promotion and the step-wise mode of promotion and feeding cadres for the post of Principal AMT School is two-fold in terms of J&K Medical Education (Gazetted) Service Recruitment Rules, 1979 and Government Order No. 26-HME of 2006 dated 19-01-2006 which is reproduced as under:

**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 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	

8

## 2. Lien through Nursing Education/Tutor 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.	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	

**Whereas,** in terms of Sub Rule (1) of rule 18 of Jammu and Kashmir Civil Services, Decentralization and Recruitment Rules 2010 provides as under: -

***"...Promotions to the gazette posts shall be made in accordance with rules governing such posts and on the recommendations of Public Service Commission/ Departmental Promotion Committee."***

**Whereas,** in pursuance of the Hon'ble High Court directions, the regularization case of Smt. Rajni Sharma was submitted to JKPSK vide letter dated 23.05.2019. In response, the JKPSK vide communication dated 10.10.2019 returned the proposal with the observation that 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; and

**Whereas,** the case of the petitioner has been accordingly re-examined and it has been observed that the applicant 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 as is evident from the table above. The petitioner 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 promoted on the post of Principal, AMT School. However, to settle the case, vide this Department's letter dated 04.07.2022, Principal, Government Medical College, 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 in response, Principal, Government Medical College, Jammu has reported that Smt. Rajni Sharma has been promoted as PHN Tutor and the post of Sister Tutor has been vacant from 2009-10 till ending December, 2014; however the post of Principal Tutor is not available; and

**Whereas**, vide Government Order No. 765-JK(HME) of 2022 dated 28.10.2022, Smt. Rajni Sharma has been promoted as Sister Tutor, AMT School, Jammu (Government Medical College, Jammu), notionally w.e.f. 01.09.2009, however, she cannot be promoted to the post of Principal Tutor due to non-availability of post and lack of five (05) years of actual teaching experience as Sister Tutor or equivalent; and

**Whereas**, once the petitioner cannot be promoted as Principal Tutor, which is one of the feeding cadre for the post of Nursing Superintendent/ Principal, she cannot, therefore, be promoted as Principal; and

**Whereas**, in light of guidelines laid down in compliance to Suraj Prakash Gupta Vs State and Ors Judgment of the Hon'ble Supreme Court, the promotion has to take effect from the date of placement on higher post or eligibility or availability of vacancy, whichever is later. However, in case of the petitioner, neither the vacancy is available nor has she acquired the eligibility, therefore, she cannot be promoted on higher posts.

**Now, therefore**, the claim of the petitioner seeking promotion to the post of Principal AMT School (Government Medical College, Jammu) has been considered in compliance to interim order dated 16.09.2016 passed in MP 01/2015 in SWP No. 2054/2015 titled Rajni Sharma V/S State & others and in light of rules in vogue and eligibility and found devoid of any merit and, hence, rejected.

**By Order of the Government of Jammu & Kashmir.**

*Sd/-*

**(Bhupinder Kumar) IAS**

Secretary to the Government

Health & Medical Education Department

No. ME-leg0GAZT/30/2022-02 (CC: 7045132)

Dated: 20-12-2023

**Copy to the:**

1. Principal Secretary to the Hon'ble Lieutenant Governor.
2. Joint Secretary (JK&L), Ministry of Home Affairs, Government of India.
3. Director, Archives, Archaeology and Museum, J&K.
4. Principal, Government Medical College, Jammu.
5. OSD with Advisor (B) to the Hon'ble Lieutenant Governor.
6. PS to Secretary to the Government, Health & Medical Education Department.
7. Concerned.
8. Incharge Website, H&ME Department.
9. Government Order file/Stock file.

**(Waqar Talib) JKAS**

Under Secretary to the Government  
Health & Medical Education Department