



**Government of Jammu & Kashmir**  
Directorate of School Education Kashmir  
Samanderbagh – S.P. College Road Srinagar -190001

Subject: Fraudulent appointment of **Ms. Mahmooda Bano D/o, W/o Arif Mohamad Khan R/o Kunzer, Tangmarg** as General Teacher in School Education Department.

**Order No: 149-DSEK of 2024**  
**Date d: 01 - 06 - 2024**

**WHEREAS**, while examining the records relating to appointment of General Line Teachers for the purpose of reconciliation of incumbency position, it has come to the notice that one **Ms. Mahmooda Bano, D/o: W/o Arif Mohamad Khan R/o Kunzer, Tangmarg**, who has been working at Girls High School Kunzer, District Baramulla as Teacher, since December, 2019 is having doubtful initial appointment, and accordingly, the Chief Education Officer, Baramulla was requested to furnish a report on the genuineness of her appointment having reference to relevant records; and

**WHEREAS**, the Chief Education Officer, Baramulla, vide his office communication bearing No. CEO/Bla/Estt/11903-04 dated 25-05-2024, furnished a detailed report which besides other things reveal that **Ms. Mahmooda Bano, D/o-W/o Arif Mohamad Khan R/o Kunzer, Tangmarg** has reportedly joined on 20<sup>th</sup> December, 2019 (as Teacher) by producing an adjustment Order bearing No CEO/Bla/Tr/20168-226 dated 19-12-2019. However, he has reported that the Order in question has not been issued by his Office as verified from the Dispatch register and other office records; and

**WHEREAS**, perusal of the Adjustment Order in question bearing No CEO/Bla/Tr/20168-226 dated 19-12-2019 provided by the office of Chief Education Officer, Baramulla, reveals that the said Order has reference to Hon'ble High Court Order dated: 17/07/2019 issued under SWP No. 56/2018, M.P.No. 13/2018. However, it has been found that the ibid SWP pertains to Home Department bearing title **Abdul Majeed Wani Vs State of JK And ORS (HOME DEPARTMENT)** and has no relevance to the subject's appointment; and

**WHEREAS**, the above mentioned adjustment order also has a reference to this office Order No. of 786-DSEK of 2019 dated: 05/11/2019 but upon verification it was found that the subject is not figuring anywhere in the ibid Order; and

**WHEREAS** it has been found that the said Order bearing No. CEO/Bla/Tr/20168-226 dated:- 19-12-2019, on the basis of which **Ms. Mahmooda Bano, D/o-W/o Arif Mohamad Khan R/o Kunzer, Tangmarg** has managed her entry in the School Education Department is fake, thus the subject has drawn her salary fraudulently causing loss to Government Exchequer; and

**WHEREAS**, the Hon'ble Supreme Court in catena of judgements has held that it is not necessary for the employer to hold an enquiry before dispensing with the services of such an employee which has never been in existence /non-est in the eyes of law and that the observance of principles of natural justice is not necessary in such cases; and

**WHEREAS**, the aforesaid judgements have been re-iterated and taken as reference by the Hon'ble High Court of J&K and Ladakh in a recent judgement dated 02.12.2022, passed in the CSA No. 13/2004, wherein it has been held that there is no need to conduct an inquiry into case of fraudulent appointments being non-est in the eyes of law; and

**WHEREAS**, the fraud committed by **Ms. Mahmooda Bano, D/o-W/o Arif Mohamad Khan R/o Kunzer, Tangmarg**, attracts immediate initiation of criminal proceedings against her as well as co-conspirators and recovery of salary/ emoluments drawn by her from the Department.

**NOW THEREFORE**, keeping in view the above facts and circumstances, the fraudulent entry managed in the School Education Department by **Ms. Mahmooda Bano D/o-W/o Arif Mohamad Khan R/o Kunzer, Tangmarg** on the basis of above mentioned orders being non-est in the eyes of law, shall be deemed to be null and void, *ab-initio*. Consequently, the benefits drawn out of the said fake entry shall be recovered immediately from the subject.

Sd/-


**Director**

School Education Kashmir

No.: DSEK/Estt. III/B.T&S/TS-1229/024/1938-43 Dated: 01-06-2024

**Copy to:**

1. Administrative Secretary, School Education Department, Civil Secretariat, J&K, Jammu/Srinagar for favour of kind information.
2. Deputy Commissioner, Baramulla for information and with the request to recover the amount drawn fraudulently by Ms Mahmooda Bano D/o, W/o Arif Mohamad Khan R/o Kunzer, Tangmarg, from her property as Arrears under the provisions of the J&K Land Revenue Act.
3. Senior Superintendent of Police, Economic Offence Wing, Kashmir-Srinagar for information.
4. Chief Education Officer, Baramulla for information and immediate necessary action.
5. I/c IT Section, DSEK for uploading the Order on the official website.
6. Mahmooda Bano D/o, W/o Arif Mohamad Khan R/o Kunzer, Tangmarg for information.
7. Office record.

  
**Personnel Officer**  
Directorate of School Education  
Kashmir