

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

CRMC No. 253/2018
c/w
CRMC No. 571/2016
IA No. 1/2016, 1/2017 and
1/2018

Zahida Akhter and others

....Petitioner/Appellant(s)

Through:- Mr. S. S. Ahmed, Advocate
Mr. Rahul Pant, Advocate
Mr. M. I. Sherkhan, Advocate
Mr. Sheikh Najeeb, Advocate

V/s

State of J&K and another

....Respondent(s)

Through:- Mr. Raman Sharma, AAG

CORAM : HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, JUDGE

JUDGEMENT (ORAL)

Petitioners have challenged FIR No. 30 of 2015 dated 08.09.2015 registered with Police Station, Vigilance Organization, Jammu. It is stated that the proceedings cannot be permitted to continue any further in view of the issuance of Government Order No. 140 of 2017 dated 08.03.2019 issued by the Commissioner-Secretary to Government, Higher Education Department whereby the degree of Moalim-e-Urdu awarded by Jamia Urdu Aligarh is held to be equivalent to Bachelor of Education (B.Ed) Degree awarded by State Universities of Jammu and Kashmir.

Needless to say that the Vigilance Organization had registered the FIR on the premise that the petitioners have been promoted as Masters for which the

requisite degree as per rules required was B.A. degree and that Moalim-e-Urdu could not at all have been the basis for giving such a promotion.

Learned counsel for the respondents, however, suggested to the Court that Investigating officer be given the liberty to consider the effect of the aforementioned Government order and the judgment passed by this Court dated 09.02.2018 in SWP No. 277/2015 and connected matters.

Learned counsel for the petitioners have no objection to this course being adopted.

These petitions are disposed of accordingly. The respondents are directed to consider the effect of the Government Order No. 140 of 2017 dated 08.03.2017 and the judgment dated 09.02.2018 passed in SWP No. 277/2015 within a period of three weeks from the date a copy of this order is served upon them. Apart from considering the issue of equivalence, the respondents shall be at liberty to determine the validity and genuineness of the degrees which have been obtained by the petitioners from the Jamia Urdu Aligarh. In case, the Investigating Agency wishes to proceed further in the matter, the investigation shall be completed preferably within a period of six months.

(Dhiraj Singh Thakur)
Judge

JAMMU
30.09.2019
Paramjeet