

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

WP(C) 2467/2025 CM(6541/2025)

RAVINDER KUMAR HANDOO

...Petitioner(s)/appellant(s)

Through: Mr. Mir Manzoor, Advocate.

Vs.

UNION TERRITORY OF J AND K (JKBOSE)
AND ANR

...Respondent(s)

Through: Ms. Sana Imam, Advocate.
Ms. Najma Hamid, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER

31-07-2026

1. The petitioner, through the medium of the present petition, has challenged Order No. 255-B of 2025 dated 29.07.2025 passed by the respondents, whereby his representation for grant of second in-situ promotion has been rejected.

2. Heard learned counsel for the parties and perused record of the case.

3. A perusal of the record reveals that the petitioner was initially engaged as a Coolie on consolidated wages with the Respondent-Board. Later on, his services came to be regularized as Orderly (now Multi-Tasking Staff) in the pay scale of Rs. 2550-55-2660-60-3200 in terms of Order No. 887-B of 2006 dated 28.11.2006.

4. The petitioner was granted first in-situ promotion under the Higher Standard Pay Scale Scheme in terms of Order No. 132-B of 2014 dated 25.02.2014 with effect from 01.03.2012. However, the benefit of second in-situ promotion was not extended in favour of the petitioner after completion

of six years of service in the previous grade. This prompted the petitioner to file the writ petition, being WP (C) No. 1677/2022, before this Court.

5. The writ petition was disposed of by this Court in terms of Order dated 06.06.2025 directing the Respondent-Board to consider the claim of the petitioner for grant of second in-situ promotion in accordance with the Rules. However, when the Respondent-Board considered the claim of the petitioner, it was rejected in terms of impugned Order dated 29.07.2025

6. The petitioner has challenged the impugned order on the grounds that, under the Higher Standard Pay Scale Scheme, an employee is entitled to time-bound promotion on completion of 7, 15 and 24 years of service to avoid stagnation, but in the present case, the Respondent-Board has given in-situ promotion to the petitioner only once and has denied him second in-situ promotion. It has been submitted that the impugned action of the respondents is violative of statutory rules and that the same is arbitrary and illegal. It has further been submitted that the respondents are misinterpreting the provisions of in situ promotion scheme issued vide order No. 252-B of 2001, which governs the field.

7. The respondents have contested the writ petition by pleading that petitioner, being a matriculate, is eligible for promotion to the post of Junior Assistant against the internal quota of 33% reserved for in-service matriculate Class IV employees of the Board having aggregate service of five years and ability to register a typing speed of 24 words per minute in terms of the norms notified vide Order No. 330-B of 1989 dated 21.08.1989.

8. It has been submitted that the petitioner was provided an opportunity for submitting himself to the test for his promotion to the post of Junior

Assistant twice, in the years 2018 and 2022, but he did not avail these opportunities by remaining absent on both occasions.

9. According to respondents, a matriculate MTS is entitled to only one in-situ promotion, and there is no provision for grant of second in-situ promotion in the said category of employees as per the scheme of Higher Standard Pay Scale notified under Order No. 252-B of 2001 dated 26.04.2001.

10. Respondent-J&K State Board of School Education is an autonomous body governed by its own rules and regulations. It is only those rules and regulations applicable to the Government Employees of the Union Territory of Jammu and Kashmir that are adopted by the Respondent-Board which can be made applicable to the service conditions of its employees. Unless and until any scheme, including the scheme relating to grant of Higher Standard Pay Scales, is adopted by the respondent Board, the same would not be applicable to its employees. The Board would also be within its powers to adopt any scheme applicable to the employees of government of UT of J&K to its employees, with appropriate modifications. Thus, the scheme relating to grant of Higher Standard Pay Scales applicable to employees of the Government of Union Territory of J&K is not applicable to the employees of Respondent-Board.

11. With the aforesaid legal position in mind, let us now notice the scheme relating to Higher Standard Pay Scales notified by the Respondent-Board in terms of Order No. 252-B of 2001 dated 26.04.2001. It will be profitable to refer to the relevant clauses of the scheme viz. 5(e) and 5(f). The same are reproduced as under:

e. *Literate Orderlies and Daftaries (who are otherwise eligible for rotation to the posts of Junior Assistants subject to availability of posts as per norms prescribed by the board for such promotions) be placed in the next higher standard pay scale (Selection Scale) under this scheme after completion of (06) six years consistently qualifying satisfactory services in the orderlies or Daftaries cadre as the case may be.*

f. *Illiterate and under Matric orderlies who have no chance of further promotion be placed in the next higher standard pay scale (Selection Scale) under this scheme after completion of (07) seven years consistently qualifying satisfactory service in their initial appointment scale viz. Rs. 2550-3200.*

However, to remove their further stagnation and make further promotional avenue for them, they shall be placed in the Grade I and Grade II scales of R. 3060-4590 and R. 4000-6000 respectively after completion of (08) eight and (09) nine years consistently qualifying satisfactory service in higher standard pay scale and Grade Ist scale respectively.

12. From a perusal of the aforesaid clauses, it is clear that literate orderlies who are otherwise eligible for promotion to the post of Junior Assistant are to be placed in the next higher standard pay scales under the scheme after completion of 6 years, whereas, in the case of illiterate and under-matriculate orderlies, there is a provision for placing them in next higher standard pay scale after completion of seven years and in second and third higher standard pay scales after completion of eight and nine years' service in the higher standard pay scales and Grade-I scale, respectively.

13. Thus, there is a clear distinction provided in the norms with regard to placement in higher pay scales, so far as literate and illiterate MTS staff is concerned. While literate MTS staff is entitled to only one in-situ promotion, whereafter they are entitled to functional promotion to the post

of Junior Assistant, but in the case of illiterate orderlies, there is a provision for three in-situ promotions. There appears a rationale in this distinction, inasmuch as a literate orderly has the avenue of career progression in the shape of functional promotions to higher posts like Junior Assistant, whereas, in the case of under-matriculate orderlies there are no such avenues available. Therefore, to avoid stagnation of under matric orderlies provision for more than one in-situ promotion has been made under the Scheme notified by the Respondent-Board.

14. In the instant case, the petitioner is admittedly a matriculate MTS staff eligible for promotion to the post of Junior Assistant. According to the respondents, he was provided two opportunities to participate in the selection process for the post of Junior Assistant, but he declined to participate. Therefore, he cannot have any grievance with the impugned action of the respondents in refusing to grant of second or third in-situ promotion because the norms and rules governing the field do not provide for the same.

15. For the foregoing reasons, I do not find any ground to interfere with the impugned order passed by the Respondent-Board. The writ petition lacks merit and is, accordingly, dismissed.

(SANJAY DHAR)
JUDGE

SRINAGAR
31-07-2026
Junaid