



Government of Jammu and Kashmir
Government Unani Medical College & Hospital,
Nawabagh, Ganderbal, Kashmir
noumck@gmail.com

Subject: - OA No 445/2026 Titled Dr. Mushtaq Ahmad Naikoo Vs UT of J&K and others-
consideration order thereto.

Reference: - HD/03/2026-02 (CC-7755299) dated 20.05.2026, received from Health and
Medical Education Department.

ORDER NO: - 95 -GUMC of 2026
Dated: - 30 .05.2026

WHEREAS, vide Govt Order No 211-JK (HME) of 2023 dated 10.03.2023, among others Dr. Mushtaq Ahmad Naikoo S/o Ghulam Hassan Naikoo, was engaged as Assistant Professor, in the Department of Amraze-Niswan-Wa-Qabalat, in terms of Jammu and Kashmir Medical and Dental Education (Appointment on Academic Arrangement Basis) Rules 2020 notified under SO 364 of 2020 dated 27.11.2020 in the Government Unani Medical College Nawabagh Ganderbal Kashmir, initially for a period of 1 year followed by periodical extensions as envisaged in the proviso to sub rule 01 of rule 04 of SO 364. The said proviso provide as under:-

"Provided that extension upto 3 years shall be made on year to year basis by the Principal of the college concerned. For engagement beyond 3 years, the case will be considered by the Government and once approved; Principal concerned shall be authorized to grant further extensions for another three years".

AND WHEREAS, the 5th proviso of sub rule 01 of rule 04 of SO 364 also provide as under:-

"Provided also that the appointment on academic arrangement basis against the faculty posts in the Medical colleges shall by itself stand terminated on the attainment 70 years of age by the appointee except for the faculty posts of the Department of Dentistry in the new Medical Colleges where it shall stand terminated on attainment of 65 years of age by the appointee. Also in respect of faculty posts of the Dental Colleges and the Ayurvedic & Unani Medical Colleges, it shall stand terminated on attainment of 65 years of age by the appointee".

AND WHEREAS, the officer submitted an application to the office seeking therein maximum age limit upto 70 years instead of 65 years in terms of letter No 26-75/MARB/2025 (Visitation) dated 15.01.2026, issued by National Commission for Indian System of Medicine, in general however same was not taking on board as the age of 65 years for engagement of faculty members is existent in the SO 364 of 2020 dated 27.11.2020, as on date, issued by Health and Medical Education Department

AND WHEREAS, the officer is attaining his age of 65 years by end of May 2026, hence his case for extension on Academic Arrangement Basis was recommended to the Administrative Department for approval upto ending May 2026, in light of the above quoted rule position

AND WHEREAS, after getting the approval of Administrative Department vide their letter No HD-ISM/26/2021-02 (E-27706) dated 23.04.2026, vide order No 80-GUMC of 2026 dated 04.05.2026, the extension to the engagement of Dr. Mushtaq Ahmad Nakioo, Assistant Professor Department of Amraze-Niswan-Wa-Qabalat was extended upto ending May 2026, attaining the age of 65 years on the same date.

AND WHEREAS, aggrieved by this, the officer filed a petition before Central Administrative Tribunal under No OA-445/2026 challenging therein the aforesaid order on the grounds that the National Commission for Indian System of Medicine has notified that the superannuation for the teacher as 70 years in place of 65 years in reappointment etc. The Honorable CAT on 07.05.2026 disposed of the petition No OA No 445/2026, with the following directions: -

"In view of the innocuous and limited prayer made by the learned counsel for the petitioner supra, this petition is disposed of by providing that the respondents shall treat this petition as representation on behalf of the petitioner and take into consideration all the averments urged therein with further direction to the respondents that they will consider case of the petitioner for his extension in the light of law quoted above as well as in terms of Regulation 16 (e), MSE-2022, if applicable to the case of the petitioner. It is further provided that till decision is taken on the representation of the petitioner, the present position of the petitioner shall not be disturbed. However, it is made clear that the respondents shall decide the representation aforesaid by the end of Six weeks from now and the petitioner shall abide by the decision taken on his representation. Learned counsel for the petitioner to provide copy of this petition along with annexures as also copy of this judgment to the respondents".

"In the above backdrop, this petition-OA 445/2026 is disposed of along with M.A."

AND WHEREAS, on the basis of above orders of the Honorable Tribunal the matter was taken up with the Administrative Department vide letter dated 20.05.2026, for appropriate necessary action.

AND WHEREAS, the Administrative Department vide their letter No HD/03/2026-02- (CC 7755299) dated 20.05.2026, directed as under:-

".....that as per Rule 04 of SO 364 of 2020, the engagement in respect of faculty posts in Ayurvedic and Unani Medical Colleges stands terminated on attainment of 65 years of age. The said provision constitutes a specific service condition applicable to the applicant and continues to hold the field. You are therefore requested to pass an appropriate consideration order rejecting the claim of applicant in light of SO 364 of 2020".

AND WHEREAS, the matter was accordingly examined in light of the record and the governing rules. It is observed that the engagement of the applicant is regulated by S.O. 364 of 2020, which provides that appointments on academic arrangement basis are purely temporary and contractual in nature, extendable up to a maximum of six years or till the posts are filled on regular basis, whichever is earlier, and do not confer any right to regular appointment or continuation.

Further, as per Rule 4 of S.O. 364 of 2020, the engagement in respect of faculty posts in Ayurvedic and Unani Medical Colleges stands terminated on attainment of 65 years of age. The said provision constitutes a specific service condition applicable to the applicant and continues to hold the field.

It is also noted that extension of such engagements is not automatic and is governed by the provisos to Rule 4, requiring consideration and approval by the competent authority on case-to-case basis, depending upon administrative exigencies and policy considerations.

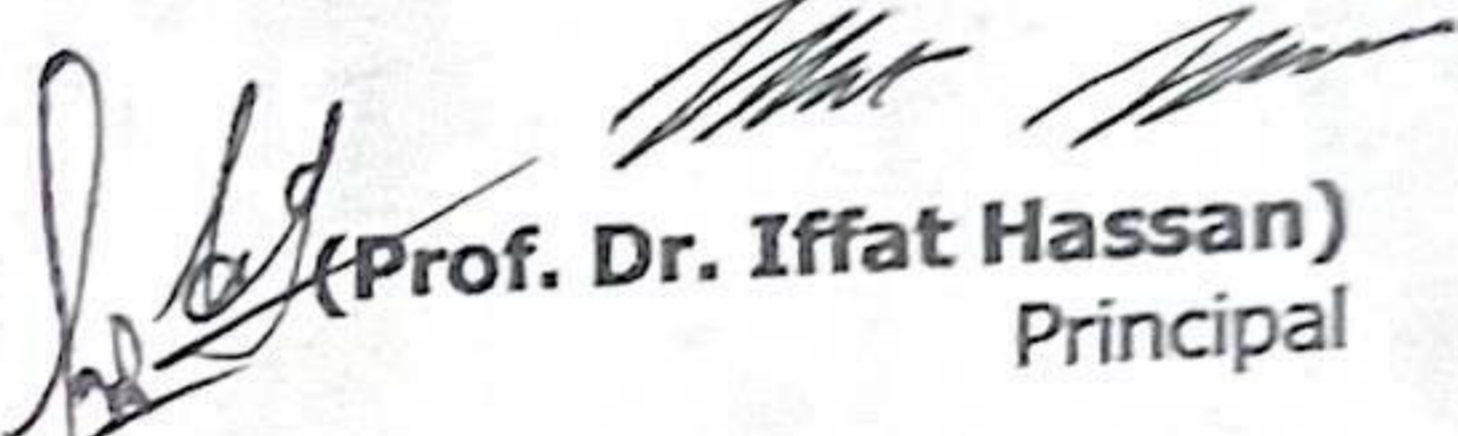
The reliance placed by the applicant on NCISM Notification dated 15.01.2026 has also been examined. The said notification pertains to amendment in Minimum Essential Standards regulating academic and institutional requirements in Indian System of Medicine. However, the same does not ipso facto amend or override the service conditions prescribed under S.O. 364 of 2020, which has been framed under proviso to Article 309 of the Constitution and continues to govern the field.

Therefore, the claim of the applicant for continuation beyond 65 years cannot be sustained as a matter of right.

Moreover, the applicant, being an academic arrangement appointee, does not possess any vested or enforceable right to seek extension beyond the prescribed terms of engagement, and any such extension remains within the discretion of the Government, subject to rules and policy.

In view of the above factual and legal position, the claim of the applicant for extension of service beyond 65 years is not tenable under the existing statutory framework.

Now therefore, in view of the directions of Administrative Department coupled with the provisions of SO 364 of 2020, dated 27.11.2020, the claim of the applicant has been considered in light of the directions dated 07.05.2026 in case OA No 445/2026 titled Dr. Mushtaq Ahmad Naikoo Vs UT of J&K and others, and has been found devoid of merit, hence rejected.


(Prof. Dr. Iffat Hassan)
Principal

No: - GUMC/Admn/69/2026
Dated: - 30 05.2026

Copy to the:-

- 01/ Director Ayush, J&K Srinagar/Jammu.
- 02/ Associate Law Officer, Health and Medical Education Department, Civil Secretariat, Srinagar/Jammu.
- 03/ Accounts officer, GUMC Ganderbal.
- 04/ Nodal Officer, GUMC Ganderbal.
- 05/ Chairman Academic Committee, GUMC Ganderbal.
- 06/ Nodal Officer, AEBAS, GUMC Ganderbal for kind cognizance.
- 07/ Incharge Website, GUMC Ganderbal with the request to kindly upload the same on the official website of the college, immediately.
- 08/ Private Secretary to the Commissioner/Secretary to the Government, Health and Medical Education Department, Civil Secretariat, Srinagar/Jammu.
- 09/ Nodal Officer, Litigations, Directorate of AYUSH, J&K, Srinagar/Jammu
- 10/ Dr. Mushtaq Ahmad Naikoo, Assistant Professor, Department of Amraze-Niswan-Wa-Qabalat, GUMC Ganderbal for information.
- 11/ Private Secretary to the Principal, GUMC Ganderbal.
- 12/ Order file.