



सत्यमेव जयते

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Government of Jammu and Kashmir
Public Works (R&B) Department
Civil Secretariat, J&K

Subject: TA No. 62/2823/2020 in WP(C) No. 97/2020 CM NO. 139/2020 titled Mohammad Shafi Khan and others v/s State and others.

Government Order No: 199-PW(R&B) of 2021
Dated: 15-06-2021

WHEREAS, the department vide G.O No.148-PW(R&B) of 2021 Dated 19.04.2021 considered placement of 100 Junior Engineers (Civil) Degree Holders as I/c Assistant Engineers (Civil) which included more than 20 Junior Engineers who have obtained their degrees from **AMICE Ludhiana**, and

WHEREAS, aggrieved of the said Government order, Shri. Mohammad Shafi Khan & Others approached the Hon'ble High Court through the medium of WP(C) No. 97/2020 CM NO. 139/2020 titled Mohammad Shafi Khan and others v/s State and others which was listed on 22.01.2021 and on considerations of the matter the Hon'ble Court passed an order the operative part whereof reads as under:-

"In the meantime, respondents to consider the case of petitioners for their inclusion in the List of Junior Engineers (Degree Holders) and placing them at appropriate place in seniority list and their promotion on a par with similarly situated persons, provided petitioners are eligible under rules."

WHEREAS, upon establishment of Central Administrative Tribunal (CAT), the writ petition was transferred by the Hon'ble High Court to the CAT registered as **TA No. 62/2823/2020 in WP(C) No. 97/2020 CM NO. 139/2020 titled Mohammad Shafi Khan and others v/s State and others** which was listed on 28.04.2021 and on consideration of the matter the Hon'ble CAT passed an order in the case the operative part whereof reads as under:-

"In view of the limited nature of plea made by the learned counsel for the applicant, respondents are directed to consider the case of petitioners for their inclusion in the list of Junior Engineers (Degree Holders) and placing them at appropriate place in the seniority list and their promotion at par with similarly situated persons, if they are eligible under rules within a period of two months from the date of receipt of a copy of this order under intimation to the petitioners.

It is made clear that we have not expressed any opinion on merits of the case while disposing of the present TA".

WHEREAS, the case was examined in the department and it was found that the case of petitioners along with their other counterparts, for acceptance of their degree obtained from Institute of Civil Engineers Ludhiana, remained under process in the department for quite a long time in view of absence of clear guidelines from AICTE for validity/genuineness of technical degrees obtained from AMICE; and

WHEREAS, in order to get further clarifications on the subject matter and to resolve the issue, the department took up the matter with the AICTE which is competent body for confirmation of the genuineness of the technical courses imparted by various institutions; and

WHEREAS, the AICTE recently clarified the matter vide their latest communication No. NWRO/AICTE/Verification/2020-21 dated 17.03.2021 reproduced as under:-

"The Institute of Civil Engineers (India) Ludhiana are Professional Bodies conducting technical courses and awarding Associate Membership to the Candidates who qualify the examination conducted by them. In this regard, AICTE has issued a circular F.No. 13-56/PC/ODI-Mode/AICTE/2020, recognition of certification awarded by Professional Bodies /Institutions dated 23.11.2020 enclosed Annexure-IV, which is self explanatory. The professional societies recognized by MHRD upto 31.05.2013 were permitted to conduct section A&B exams & treated equivalent to degree upto 31.05.2013 only."

The circular instructions issued by AICTE are reproduced as under:-



"it is to inform you that AICTE in its 52nd emergent council meeting held on 03.08.2017 has recognized the courses conducted by the professional bodies /institutions in accordance with MHRD OM No. 11-15/2011-AR(TS.II) dated 06.12.2012 for equivalence for all purposes including higher education and employment which were duly recognized by MHRD with permanent recognition upto 31.05.2013."

WHEREAS, the Junior Engineers placed as I/C Assistant Engineers having obtained their degrees from AICTE Ludhiana were found on the rolls of the institution before the cut off date i.e. 31.05.2013; and

WHEREAS, after examination of the case it has been found that the degrees of the petitioners are yet to be accepted by the department and therefore they have not been included in the seniority list of the Degree holders. Once the qualifications obtained by the petitioners from the Ludhiana institute are accepted by the department, the petitioners shall be assigned the *inter-se* seniority at appropriate place(s) in the relevant seniority list. It is worthwhile to mention here that the department has considered the placement of Junior Engineers as I/C Assistant Engineers upto the S.No. 934 of the Seniority list of Junior Engineers (Civil) Degree Holders batch 2012 and no Junior Engineer who has acquired qualification after the cut of date has been considered to the next higher post rendering the petitioners dissimilar with that of the Junior Engineers considered to next higher post. However, the Petitioners/ applicants will be considered to the next higher post strictly as per their seniority position in the Seniority list to be assigned after the AICTE recognizes the qualification obtained by the petitioners from the Ludhiana Institute and of course subject to availability of the vacancies.

Now therefore, in compliance to the Judgment of the Hon'ble CAT, the case of the petitioners for their inclusion in the seniority list of degree holders and subsequent promotion to the next higher post has been found devoid of merit.

By order of the Government of Jammu and Kashmir.

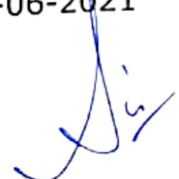
Sd/-

(Shailendra Kumar) IAS

Principal Secretary to the Government

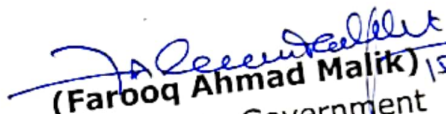
No. PWD-LIT/36/2021-05

Dated: 15-06-2021



Copy to the:-

1. Joint Secretary (J&K) Ministry of Home Affairs, GOI.
2. Commissioner/Secretary to Government, General Administration Department.
3. Chief Engineer, PW(R&B) Kashmir/Jammu.
4. Director Archives, Archaeology & Museums J&K Jammu.
5. OSD to Hon'ble Advisor (B) for information.
6. Pvt. Secretary to Principal Secretary to Government, PW(R&B) Department.
7. Concerned Engineers.
8. Government Order file/Stock file/Monday Return (w.3.s.c).


(Farooq Ahmad Malik) 15/10/21
Under Secretary to Government



