



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

Subject: - Select list of candidates for the post of Jr. Engineer, Grade-II (Mechanical) PW(R&B) Department Divisional Cadre Kashmir, advertised vide Advertisement Notice No. 01 of 2012 dated 19.07.2012, Item No. 046, under Hon'ble Prime Minister's Special Package for Kashmiri Migrants.

Reference No's:

1. O.M. No. GAD-MTGORBIV/200/2021-09-GAD dated 22.03.2022 from the General Administration Department.
2. SSB/Sel/Secy/015/2289-95 dated 18.02.2015 from J&K Services Selection Board.
3. SSB/Legal/R-1/16/1625-27/21 dated 08.09.2021 from J&K Services Selection Board.
4. O.M. No. DMRRR/MR/79/2010-II dated 20.07.2020 from Department of Disaster Management, Relief and Rehabilitation & Reconstruction.
5. CID/VB/2022/FINAL/38353-369/OD dated 01.06.2022 from Criminal Investigation Department.

Government Order No. 209 -PW(R&B) of 2022
Dated: 29-06.2022

Whereas, the J&K Services Selection Board vide advertisement Notification No. 01 of 2012 dated 19.07.2012 invited applications from eligible candidates for the post of Junior Engineer, Grade-II (Mechanical) Divisional Cadre Kashmir, under Item No. 046 under Hon'ble Prime Minister's Special Package for Kashmiri Migrants; and

Whereas, the candidate namely Shri Rohit Jotshi S/o Shri Ravi Jotshi R/o Bijbehara Anantnag Wantonga Mohalla Sadar Bazar Bijbehara A/P Govind Nagar House No. 98/2 Talab Tillo Jammu got selected under OM Category among other candidates to the post of Junior Engineer, Grade-II (Mechanical) figuring at S.No. 12 in the selection list of the J&K Services Selection Board; and

Whereas, the recommendation in respect of Shri Rohit Jotshi was kept withheld by the J&K Services Selection Board for production of Bonafide certificate/validity/relevance of Degree in Mechanical Sandwich Branch; and

Whereas, the candidate Shri Rohit Jotshi subsequently produced the requisite documents in the Board from the perusal of which it was found that the candidate had obtained degree in Mechanical Sandwich Branch; and

Whereas, the issue was further examined in the Board and accordingly taken up with the PW(R&B) Department vide communication No. SSB/Sel/Secy/2015/7078-79 dated 03.08.2015 for clarification as to whether B.E. (Mechanical Sandwich) is to be considered for the post of Junior Engineer, Grade-II (mechanical); and

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Whereas, in the meanwhile, the petitioner approached the Hon'ble High Court of J&K at Jammu through the medium of SWP No. 87/2016 titled Rohit Jotshi V/s State of J&K and Ors and the Hon'ble High Court upon consideration of the writ petition vide its order dated 02.02.2016 directed as under:-

"In the meanwhile, respondent No(s) 1 to 3 are directed to consider the case of petitioner for appointment on the basis of relevance certificate and Bonafide certificate produced by the petitioner within two weeks and report compliance".

Whereas, the petitioner again approached the Hon'ble High Court by way of contempt petition bearing No. CCP(s) 424/2017 in SWP No. 87/2016 titled Rohit Jotshi V/s Mr. Tasaduk Hussain Mir & Ors against the respondents for wilful contempt of orders of the Hon'ble High Court; and

Whereas, the matter was examined by the Jammu and Kashmir Services Selection Board in its 171th meeting held on 12.06.2020 and the Board taken into account the facts and circumstances of the case together with the opinion furnished by the NIT Srinagar and Chief Engineer, Mechanical Department, J&K including the order passed by the Hon'ble High Court, the Board decided to release the recommendation in favour of the candidate by way of issuing a speaking order; and

Whereas, the Board vide its office order No. 178-SSB of 2020 dated 23.06.2020 in deference to order dated 02.02.2016 passed by the Hon'ble High Court in SWP No. 87/2016 titled Rohit Jotshi V/s State and others and as per the decision of the Board, released the withheld recommendation of Rohit Jotshi S/o Shri Ravi Jotshi R/o Bijbehara Anantnag Wantonga Mohalla Sadar Bazar Bijbehara A/P Govind Nagar House No. 98/2 Talab Tillo Jammu; and

Whereas, in pursuance of office order No. 178-SSB of 2020 dated 23.06.2020, the department vide communication No. PW(R&B)/M&S/35/2019 dated 08.09.2020 requested the Board that as per Jammu and Kashmir, Engineering Subordinate Service Recruitment Rules, 1997, there is no mention of treating any qualification except degree/diploma in Aeronautical/Automobile production Engineering as equivalent to degree/diploma in Mechanical Engineering; and

Whereas, the Board was also requested to furnish necessary clarification whether Mechanical Degree can be considered for appointment when rules do not provide for any provision of equivalence; and

Whereas, in turn, the Services Selection Board vide communication No. SSB/Legal/R-1/16/1625-27/21 dated 08.09.2021 conveyed as under:-

"The petitioner submitted in the Board clarification furnished by the Chief Engineer, Mechanical Engineering Department that the course of B.E. (Mechanical Sandwich) is almost similar to B.E. (Mechanical). Besides, the petitioner submitted the communication of University of Jammu that the



Degree of petitioner offered by All India Shri Shivaji Memorial Society College of Engineering, Pune is a AICTE approved course and the certificate issued by the said college and C/S by the concerned University itself speaks that the Degree is equivalent to B.E. Mechanical Degree. In addition, the petitioner submitted that the Savitribal Phule Pune University (Formerly University of Pune) vide reference No. ELG/43 dated 22.01.2016 has intimated that his case has been referred to equivalence committee and as per committee decision "Mechanical Sandwich is equivalent to Mechanical Engineer.

The Board was also in hand of the report dated 21.08.2018 of Mechanical Engineering Department of NIT Srinagar, a statutory body created under National Institute of Technology Act, 2007 conveying to the Public Works (R&B) Department that the sandwich B.E. Programme offered by the Pune University is equivalent to B.E. Programme offered by other reputed institutions in the country.

There is a prevalent practice of obtaining equivalent in respect of various courses, given that variety of educational qualification with different nomenclature are available in the Market. The department Recruitment Rules also are not amended for considerably longer period which necessitates for obtaining of such equivalence relating to various available course from concerned authorities, so that deserving candidates are not deprived to get benefits of employment".

Whereas, subsequently, the J&K Services Selection Board took up the matter with the Higher Education Department vide communication No. SSB/Sel/Lit/1/16/Mtg/3440 dated 12.04.2021 for seeking necessary clarification with regard to equivalence of the B.E. (Mechanical Sandwich) Degree course to B.E. Mechanical or otherwise; and

Whereas, as per the minutes of the meeting of the standing committee constituted for equivalence of degree/qualification held on 01.07.2021 under the Chairmanship of Secretary to the Government, Higher Education Department, it was decided that the B.E. (Mechanical Sandwich) Degree of Pune University can be treated equivalent to B.E. (Mechanical) offered by other institutions; and

Whereas, consequent upon above decision of the standing committee of Higher Education Department, the J&K Services Selection Board declared that releasing the recommendation in favour of the petitioner Mr. Rohit Jotshi is justified and based on merits; and

Whereas, the matter was referred to the General administration Department for revalidation of the recommendation released by the SSB in favour of Rohit Jotshi for the post of Jr. Engineer, Grade-II (Mechanical) vide order No. 178-SSB of 2020 dated 23.06.2020 as the validity of date of releasing recommendation in favour of the petitioner got expired on 23.06.2021; and



Whereas, in turn, the General Administration Department vide O.M. No. GAD-MTGORBIV/200/2021-09-GAD dated 22.03.2022 has conveyed the approval of the Administrative Council passed in Decision No. 47/3/2022 dated 15.03.2022 to the proposal for issuance of appointment order in respect of the following posts which were referred to the recruiting agencies prior to 31.10.2019 and the recommendations have been received from the concerned recruiting agencies, on the terms and conditions as mentioned below:-

Name of the Post	No. of Posts	No. & date of referral of vacancies to the recruiting agencies	No. & date of receipt of recommendations from recruiting agencies (JKSSB)
Junior Engineer (Civil)	01	PW(R&B)/NG/145/2010 dated 26.12.2014	738-SSB of 2017 dated 06.12.2017 issued vide endorsement No. SSB/Secy/Sel/2017/12880-93 dated 06.12.2017
Junior Engineer (Mechanical)	01	Post referred by Revenue department vide No. Rev/MR/572011 dated 12.07.2012	No. 171-SSB of 2020 dated 23.06.2020
Total	02		

Further, it has been conveyed that the appointment orders shall be issued only after ensuring the following:-

01. The post(s) against which order(s) are to be issued should be free from all encumbrances.
02. There are no Court interventions/orders etc.
03. All other terms and conditions for issuance of appointment orders issued by Government from time to time shall be followed.
04. If any of the above select lists/recommendations have lost validity owing to delay in issuance of appointment orders/other procedural delays, one time relation is also granted with the directions to concerned Department to issue appointment orders within a period of one month from the date of issuance of the said O.M. i.e. from 22.03.2022; and

Whereas, the appointment order in respect of one post of Junior Engineer (Civil) on the approval of the Administrative Council passed in Decision No. 47/3/2022 dated 15.03.2022 has already been issued vide Government order No. 136-PW(R&B) of 2022 dated 13.04.2022; and

Whereas, the Criminal Investigation Department, Jammu and Kashmir vide No. CID/VB/2022/FINAL/38353-369/OD dated 01.06.2022 has furnished the final verification report with an intimation that as per index check/report of field agencies there is nothing adverse against Rohit Jotshi S/o Ravi Jotshi R/o Bijbehara Anantnag Wantonga Mohalla Sadar Bazar Bijbehara A/P Govind Nagar House No. 98/2 Talab Tillo Jammu.

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Now, therefore in light of Administrative Council Decision No. 47/3/2022 dated 15.03.2022 and consequent upon the recommendation of the J&K Services Selection Board and in deference to order dated 02.02.2016 passed by the Hon'ble High Court in SWP No. 87/2016 titled Rohit Jotshi V/s State and others, sanction is hereby accorded to the appointment of Shri Rohit Jotshi S/o Ravi Jotshi R/o Bijbehara Anantnag Wantonga Mohalla Sadar Bazar Bijbehara A/P Govind Nagar House No. 98/2 Talab Tillo Jammu as Junior Engineer, Grade-II (Mechanical) under Prime Minister's Sepcial Package for return of Kashmiri Migrants to Kashmir Valley in the Pay Level-6 (35400-112400) notionally with effect from 18.02.2015 and monetarily with prospective effect.

- a. The appointee shall report in the office of the Chief Engineer, Mechanical Engineering Department, Kashmir within a period of 21 days from the date of issuance of orders and if the candidate fails to join within the stipulated time, he shall forego his right to appointment, and the same shall be deemed to have been cancelled ab-initio without any further notice.
- b. Further, his/her joining report become effective only after he/she executes an agreement in the form prescribed under Jammu and Kashmir Migrants (Special Drive) Recruitment Rules, 2009 issued under Notification SRO-412 of 2009 dated 30.12.2009.
- c. The candidate shall be allowed to join only on the production in original and verification of the following certificates/documents:-
 - 1) Education/Technical Qualification Certificates/marks sheet, which will also include whether technical degree/diploma is approved for employment in J&K.
 - 2) Date of birth certificate/Matriculation certificate.
 - 3) Domicile Certificate.
 - 4) Migration certificate of being a Kashmiri Migrant duly issued by the office of Relief & Rehabilitation (Migrants).
 - 5) Age and Health Certificate issued by an officer not below the rank of Chief Medical Officer.
 - 6) Certificate from concerned authorities to the effect that no loan under self employment scheme has been obtained/availed by the concerned candidate.
 - 7) Reserved category certificate, if any.
 - 8) Any other relevant certificates are required under rules.
- d. Further, the appointment shall be provisional and subject to the following conditions:-
 - I. The appointee shall furnish an undertaking in the shape of an Affidavit to the effect that the appointee have no criminal records and also not facing any criminal proceedings in any court of law; and
 - II. If, on verification of the qualification certificates/DOB and other documents from the concerned issuing authority are proved fake/forged, the claim of the appointee for appointment as Jr. Engineer (Mechanical) shall be deemed to have been cancelled ab-initio and the legal action as warranted under rules shall be initiated against his/her; and
 - III. The salary of the appointee shall not be drawn and disbursed to him unless the satisfactory reports in respect of genuineness of qualification/date of birth/reserved category certificate/technical qualification is received from the concerned Authorities/Agency; and



- IV. The appointment of the candidate shall be governed in terms of the Jammu and Kashmir Probationer (Condition of Service, Pay and Allowances) and Fixation of Tenure, Rules, 2020 notified vide S.O. 192 of 2020 dated 17th June, 2020; and
- V. The inter-se-seniority of the appointee shall be drawn in accordance with the merit secured by the appointee in the selection list prepared by the J&K Services Selection Board; and
- VI. The other terms and conditions shall remain same as laid down in the Government order No. 270-PW(R&B) of 2019 dated 30.05.2019; and
- VII. The appointment of the above candidate shall be subject to outcome of writ petition(s), if any, pending before Competent Court of Law.

By order of the Government of Jammu and Kashmir.


Sd/-
(Shailendra Kumar)IAS
Principal Secretary to Government
Public Works(R&B) Department

No:-PWD-NGAZOMECH/19/2021-05

Dated: -29 -06-2022

Copy to the:-

1. Principal Secretary to the Government, General Administration Department.
2. Joint Secretary, (J&K), Ministry of Home Affairs, Government of India, New Delhi.
3. Secretary to the Government, Department of Disaster Management, Relief and Rehabilitation & Reconstruction.
4. Secretary, J&K Services Selection Board.
5. Director, Archives, Archaeology and Museum Department, J&K, Jammu.
6. Learned Advocate General, Hon'ble High Court, J&K, Jammu.
7. Chief Engineer, Mechanical Engineering Department, Kashmir.
8. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
9. Senior Law Officer, Public Works (R&B) Department.
10. Pvt. Secretary to the Principal Secretary to Government, PW(R&B) Department
11. Concerned.
12. Incharge website, Public Works (R&B) Department.
13. Government order file/Monday Return (w.s.2.c).


(Hamid Hameed)
Under Secretary to Government

