



Government of Jammu and Kashmir  
Public Works (R&B) Department  
(HRM – Section)  
Civil Secretariat, Srinagar

**Subject: Treating of Er.Javed Iqbal Var, Junior Engineer (Civil) as Degree holder and inclusion of his name in the relevant seniority list.**

**Government Order No. 238 –PW(R&B) of 2021**

**D a t e d : 12 .08. 2021**

Whereas, as per provisions of J&K Engineering (Subordinate) Service Recruitment Rules, 1997, a Junior Engineer, Diploma holders after acquiring Degree in relevant branch of Engineering is to be treated as Degree holder for the purpose of seniority from the date of completion/ passing of Degree; and

Whereas, the department has received the case of Er.Javed Iqbal Var, Junior Engineer (Civil) for acceptance of his Degree whose particulars are given as under:-

Name with Designation	Date of appointment	Name of University	Date of enrollment	Date of passing Degree
Javed Iqbal Var, J.E (Civil)	29.02.2012	IGNOU	Jan-2005	06.08.2012

Whereas, the Degree/ Marks certificates submitted by the above Engineer were forwarded to the concerned University for verification and the concerned University has verified the genuineness of certificates.

Whereas, the issue relating to the acceptance of Degrees obtained by the Engineers from the Institutions other than AMIE, Kolkata was examined in the department and the matter was taken up with the AICTE on 04.12.2020. In response, the AICTE vide their communication No.NWRO/AICTE/ Verification/ 2020-21 dated 17.03.2021, among others, has clarified as under:-

**(Operative part of clarification regarding IGNOU)**

Information sought	Clarification/ reply from AICTE
IGNOU (Distance	IGNOU does not come under the purview of AICTE. However, AICTE has issued a circular AICTE / P&AP/

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Education)	IGNOU/ misc/ 2020 dated 25.11.2020 which is enclosed herewith as <b>Annexure-I</b> . This is as per the approval of EC/ Council on the basis of Supreme Court judgement.
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The relevant extract of Circular issued under No.F.No.AICTE/ P&AP/ IGNOU/ Misc/ 2020 dated 25.11.2020 reads as under:-

"..... It is further informed that Hon'ble Supreme Court in its Judgement dated 19.09.2020 relating to W.P (C ) No.1341 of 2019; MD Naseem Baig & Others V/s AICTE has extended the same relief to petitioners who will be covered in the years 2010-11 and 2011-12 and opined that since there is no distance education courses in IGNOU after these years and these are the last batches who will be granted the reliefs. AICTE has no objection for B.Tech. Degree/ Diploma in Engineering awarded by IGNOU to the students who were enrolled upto academic year 2011-12 with IGNOU as per Supreme Court Judgement and hence are treated as valid as a special case but cannot be taken as precedence and not for post 2012."

Whereas, the above named incumbent has also produced undertaking in the shape of Affidavit, affirming therein that "in case any information about his Degree is found fraudulent/ bogus at any time during service, the same shall be deemed to be cancelled ab-initio and action as warranted under rules shall be initiated against him in terms of J&K Civil Services (Classification, Control & Appeal) Rules, 1956".

Whereas, the case was again examined in the department in view of above clarification and decided to accept his Degree from the date of passing Degree and include his name at appropriate place in the relevant seniority list of JE(Civil) Degree Holders as and when the same is notified afresh consequently his name shall be excluded from the seniority list of JE (Diploma holders).

Whereas, a notice was issued on 17.12.2014, inviting therein objections from the members of the cadre who are likely to be affected due to decision of the department. The said notice was also published in the newspapers; however, no objection has been received by the department in this regard.

Whereas, the Finance Department has issued circular instructions vide endorsement No.A/HACM (2012)-PMO-49 dated 01.02.2019 clarifying therein that the advance increments to degree holders on their appointment as Junior Engineers are available on initial appointment and not at the time of acquiring degree after entry into Government Service as Diploma holder; and

Now, therefore, Er.Javed Iqbal Var, Junior Engineer (Civil) Diploma holder shall henceforth be treated as Junior Engineer (Civil) Degree holder and his

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name shall be included at appropriate place in the relevant seniority list of Junior Engineer (Civil) Degree Holder's as and when the same is notified afresh and his name shall be deemed to be excluded from the seniority list of JE(Civil) Diploma holder's. However, the pay of the officials shall be regulated as per circular instructions issue by the Finance Department under endorsement No.A/HACM (2012)-PMO-49 dated 01.02.2019.

By order of the Government of Jammu & Kashmir.


Sd/-  
(Shailendra Kumar) IAS  
Principal Secretary to the Government

No.PWD/HRM1/ 30/ 2021-05-PWD R&B

Dated: 12.08.2021

Copy to the:-

1. Principal Secretary to Hon'ble Lieutenant Governor.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
3. Director, Archives, Archaeology & Museum, J&K, Jammu.
4. Development Commissioner Works, PW(R&B) Department.
5. Chief Engineers, PW(R&B) Department, Jammu/ Kashmir.
6. OSD to Hon'ble Advisor (B) for information of Hon'ble Advisor.
7. Private Secretary to the Principal Secretary to Government, PW(R&B) Department
8. Concerned Engineer.
9. Government Order file/ Monday return file w.2.s.c
10. I/C Website, Public Works(R&B) Department.

  
(Rajnish Kumar) KAS  
Additional Secretary to Government  
Public Works (R&B) Department