



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

Subject: Acceptance of Degrees acquired by the Engineers through AMIE
Kolkatta- Rescinding thereof.

Government Order No. 285 -PWR&B of 2023
Dated: 10 .07. 2023

Whereas, Schedule-II "A" of J&K Engineering Subordinate Service Recruitment rules 1997, notified vide SRO-180 dated 26.05.1997, the minimum qualification for direct recruitment for the post of Junior Engineer provides as under:-

**"B.E Civil/ AMIE Section A&B/ 3 years
diploma in Civil and Mechanical Engineering from
recognized Institute".**

Whereas, as per judgment dated 03.11.2017 passed by the Hon'ble Apex Court in bunch of appeal clubbed with appeal titled Orissa Lift Irrigation corporation Limited V/s Rabi Sankar Patro and Others, where-under the Hon'ble Supreme court while accepting the view of Punjab & Haryana High Court in Kartar Singh's case has set aside the ex-post facto approvals granted by UGC in the cases of the candidates enrolled during the academic session 2001-2005 and directed that the Degree in Engineering awarded by the concerned deemed Universities stands suspended with further direction that the AICTE shall devise the modalities to conduct an appropriate test/ tests both in written as well in practical's through the National Institutes of Technology's in respective States where ever the students are located.

Whereas, consequent upon the above judgment several reviews were filed before the Hon'ble Supreme Court against the said judgment and while accepting the plea in review M.A. No.38 of 2018 in C.A No. 17907/2017, the Hon'ble Court vide order dated 22.01.2018, among others, has been pleased to direct as under:-

"We therefore, as one time relaxation in favour of those candidates who were enrolled during the academic years 2001-2005 and who,

in terms of the judgment are eligible to appear at the test to be conducted by AICTE direct:

- a. All such candidates, who wish to appear at the forthcoming test to be conducted by AICTE in May-June 2018 and who exercise option in appear at the test in terms of the judgment, can retain the degree in question and all the advantages flowing there from till one month after the declaration of the result of such test or till 31.07.2018 whichever is earlier.
- b. This facility is given as one time exception so that those who have the ability and can pass the test in the first attempt itself should not be put to inconvenience. If the candidates pass in such first attempt, they would be entitled to retain all the advantages. But if they fail or choose not to appear, the directions in the judgment shall apply, in that the degrees and all advantages shall stand suspended and withdraw. At the cost of repetition, it is made clear that no more such chance or exceptions will be given or made. They will undoubtedly be entitled to appear on the second occasion in terms of the judgment but this exception shall not apply for such second attempt.
- c. We direct AICTE to conduct the test in May-June 2018 and declare the result well in time, in terms of our directions in the judgment and this order. AICTE shall however extend the time to exercise the option to appear at the test suitably". Except for the directions given in the above paragraph (i.e. paragraph 7) and the clarification as regards courses leading to award of diplomas as mentioned hereinabove, we reject all the other submissions. 9] All applications, petitions and writ petitions stand disposed of in aforesaid terms."

Whereas, the issue with regard to equivalence/ validity of Degrees obtained by the Engineers through correspondence/ distance mode from the Institutions, other than AMIE Kolkatta was taken up by this department with the AICTE on 04.12.2020 for clarifications, in response to which the AICTE vide their communication dated 17.03.2021 have furnished their clarifications and also endorsed their circulars/ Notice issued on the subject.

Whereas, the relevant extract of Circular No.F.No.13-56/ PC/ ODL-Mode/ AICTE/ 2020/ dated 23.11.2020 issued by the AICTE (endorsed with clarification) is reproduced as under:-

"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 & employment which were duly recognized by MHRD with permanent recognition upto 31.05.2013.

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This was informed to all professional societies and they were expected to stop registration w.e.f 01.06.2013. However, some of them did go to court and final Judgement is awaited in this regard. Thus all those students who were enrolled with these Institutions as per the above MHRD OM with permanent recognition upto 31.05.2013, stand recognized and public notice was issued on 31.10.2017 accordingly. However, AICTE recognition is not course specific and this is only the endorsement of the decision of MHRD in this regard. Hon'ble Supreme Court in its judgement dated 13.08.2019 in the case MA No.2367 of 2018 in Civil Appeal No.17922 of 2017; Institution of Mechanical Engineers V/s State of Punjab & Ors has endorsed the decision of MHRD and AICTE Public Notice issued in 2017."

Whereas, the relevant extract of Public Notice issued by the AICTE on 31.10.2017 provides as under:-

"..... Accordingly, the council in its 52th emergent Meeting held on August 3, 2017 decided to recognize equivalence for all purposes including Higher Education & Employment to Technical Courses conducted by various Professional bodies/Institutions which were duly recognized by MHRD with permanent recognition upto 31st May 2013. Thus all those students who were enrolled with these institutions with permanent recognition upto 31.05.2013, stand recognized.

Whereas, the Degree obtained by the following Engineers who were enrolled in AMIE Kolkatta after 31.05.2013 have been accepted by the department vide different Government Orders as shown against each as under:-

S.No	Name with Designation	Date of enrollment	Date of passing Degree	Government Order No.& date
1	Mohd Irfan, JE (Civil)	02.12.2013	18.01.2022	464-PW(R&B) of 2022 Dated: 22.12.2022
2	Rohit Manmar, JE (Civil)	03.02.2014	17.02.2021	474-PW(R&B) of 2022 Dated: 26.12.2022
3	Zaffar Iqbal, JE (Civil)	09.09.2013	19.02.2021	25-PW(R&B) of 2023 Dated: 12.01.2023

Whereas, the issue has been examined in the department and found that the Engineers whose degrees have been accepted vide above Government orders have acquired Section A&B from AMIE, Kolkatta with registration/ enrollment after 31.05.2013. As such, it has been decided to rescind the aforementioned Government Orders issued by the department.

Now, therefore, the degree qualification acquired by the following Junior Engineers (Civil) who were enrolled for the degrees after 31.05.2013 and accepted by the department by virtue of different Government Orders as shown against each are hereby rescinded ab-initio:

S.No	Name with Designation	Date of enrollment	Date of passing Degree	Government Order No.& date
1	Mohd Irfan, JE (Civil)	02.12.2013	18.01.2022	464-PW(R&B) of 2022 Dated: 22.12.2022
2	Rohit Manmar, JE (Civil)	03.02.2014	17.02.2021	474-PW(R&B) of 2022 Dated: 26.12.2022
3	Zaffar Iqbal, JE (Civil)	09.09.2013	19.02.2021	25-PW(R&B) of 2023 Dated: 12.01.2023

By order of the Government of Jammu & Kashmir.

Sd/-

(Shailendra Kumar) IAS

Principal Secretary to the Government

Dated: 10.07.2023


No.PWD-HRM1/89/2023-05 (C.No. 7223605)

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)/ PMGSY (JKRRDA), 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. Government Order file/ Monday return file w.2.s.c.
9. I/C Website, Public Works(R&B) Department.


(Rajnish Kumar) KAS

Additional Secretary to the Government

 Public Works (R&B) Department

