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

Subject: Acceptance of Degree acquired by Er. Mohd. Amin Sheikh, JE (Mech) and inclusion of his name in the seniority list of Degree Holders Junior Engineers (Mechanical) .

Government Order No. 390 –PW(R&B) of 2022

D a t e d : 4 .11. 2022

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. Mohd. Amin Sheikh, Junior Engineer (Mech) Diploma Holder for acceptance of his Degree and inclusion of his name in the seniority list of Degree Holders Junior Engineers (Mechanical). The particulars of said Junior Engineer are given as under:-

| Name with Designation | Date of appointment | Name of University | Date of passing degree | Whether permission obtained or not |
|--|--|---|------------------------|---|
| Er. Mohd. Amin Sheikh, Junior Engineer(Mech) | Draftsman 01.03.1990 JE=01.05.2014 | Institution of Mechanical Engineers (India) | 25.03.2013 | Yes. Vide No.PW/M&S/ 34/2010 Dated 28.01.2011 |

Whereas, the case was examined in the department and Degree/marks certificates of above incumbent were forwarded to the Director, Institute of Mechanical Engineers (India), Navi Mumbai vide this department's letter dated 02.06.2014 for verification/ authentication of the genuineness of Degree acquired by the said incumbent. In response, Member of the Council Institution of Mechanical Engineers (India) vide his

(Signature)

letter No. JK-13112/31/14 dated 09.06.2014 has furnished the verification of the degree certificate of the official.

Whereas, the department has taken up the matter with the AICTE for clarifications with regard to validity of Degrees. In response the AICTE vide their communication No.NWRO/ AICTE/ Verification/ 2020-21 dated 17.03.2021, among others, has clarified that the Institute of Civil Engineering (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/ ODL-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 and treated equivalent to degree upto 31.05.2013 only.

Whereas, the operative part of Circular No. F.No.13-56/ PC/ ODL-Mode/ AICTE/ 2020 dated 23.11.2020 issued by the AICTE is reproduced as under:-

" 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.

Further, the relevant extract of Public Notice dated 31.10.2017 issued by the AICTE, reads as under:-

" Accordingly, the Council in its 52nd Emergent Meeting held on August 3, 2017 decided to recognize equivalence for all purposes including Higher Education & Employment to Technical



Courses conducted by various Processional 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 above incumbent has also produced undertakings in the shape of affidavit duly attested by Chief Judicial Magistrate, Srinagar, affirming therein that the certificates/documents submitted by him are true and correct/genuine, if any, at any time proved fake or false, he shall be personally responsible for the consequences.

Whereas, on re-examining of the case it has been observed that there is a case to accept his Degree from the date of passing Degree and include his name at appropriate place in the relevant seniority list of Degree Holders Junior Engineers (Mech) as and when the same are notified afresh by the department and also exclusion of his name from the seniority list of Junior Engineers (Mech- Diploma holders).

Whereas, the case was further examined in the department and a notice was issued on 31.08.2022 for inviting therein objections from the members of the cadre who are likely to be affected due to decision of the department. In response, the Chief Engineer MED, Kashmir vide his letter No. MED/K/Adm/2790-92 dated 22.09.2022 has intimated that the said notice was published in the newspapers, however, till date no objection has been received by his office regarding the proposed action.

Whereas, the Finance Department has issued circular instructions under 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.

Now, therefore, Mohd. Amin Sheikh, JE (Mech) Diploma holder shall henceforth be treated as Degree holder Junior Engineer (Mech) and his name shall be included at appropriate place in the seniority list of Degree



Holders Junior Engineers (Mech) as and when the same is notified afresh by the department subject to the condition that he shall not claim for seniority position ahead/ over and above the direct recruited JEs of that particular calendar year during which he has passed the Degree. Consequently, his name shall be deemed to be excluded from the seniority list of Diploma Holders Junior Engineers (Mech). However, the pay of the Engineer 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.

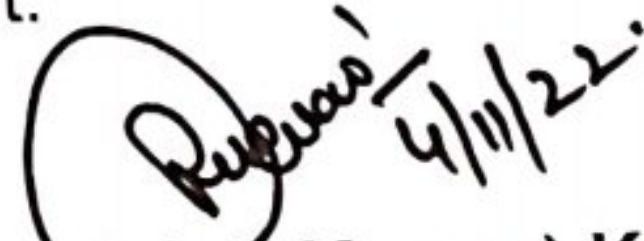
Sd/-
(Shailendra Kumar) IAS
Principal Secretary to the Government

No.PWD-HRM1/175/2022-05 (C.No.235520)

Dated: 4.11.2022

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 Engineer, Mechanical Engineering Department, 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) Deptt.
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 the Government
Public Works (R&B) Department

