

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

Subject: Acceptance of Degree acquired by Er. Mushtaq Ahmad, Junior Engineer (Mechanical) and inclusion of his name in the seniority list of Degree holders Junior Engineers (Mechanical).

Government Order No. **409** –PW(R&B) of 2022

D a t e d : **22** .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, this department has received the case of Mr. Mushtaq Ahmad, Junior Engineer (Mech) for acceptance of his Degree and subsequent inclusion of his name in the seniority list of Degree holders Junior Engineers (Mechanical) whose particulars are given as under:-

Name with designation	Date of appointment/ Regularization	Name of University	Date of passing of degree	Whether permission obtained or not
Er. Mushtaq Ahmad, Junior Engineer (Mechanical)	26.05.2008	Institution of Mechanical Engineers, Mumbai	25.03.2013	Yes, vide this department's letter under endorsement No. PW/ M&S/ 34/2010 dated 05.04.2011.

[Signature]

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Whereas, the case was examined in the department and Degree/ marks certificates of the above-named Engineer were forwarded to the concerned University vide this department's letter dated 02.06.2014 for verification/ authentication of genuineness of the Degree acquired by the said engineer. In response, the concerned University vide their communication No. JK-13112/31/14 dated 09.06.2014 has verified the genuineness of Degree obtained by said Engineer.

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 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/ Institution dated 24.11.2020, 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. 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:-

".....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 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 on 2017.

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

"..... Accordingly, the council in its 52th emergent Meeting held on August, 3,2017 decided to recognize

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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 above incumbent has also produced undertakings in the shape of Affidavit dully attested by the 1st Class Magistrate 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, and Appeal) rules 1956.

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 JE(Mech) Degree Holders as and when the same are notified afresh and also exclusion of his name from the seniority list of Diploma holders Junior Engineers (Mechanical).

Whereas, the case was further examined in the department and a notice was issued on 12.10.2022 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 Mechanical Engineer Mechanical Engineer Kashmir has intimated that the said notice was published in the newspapers, however, till date no objection has been received by them 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.

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Now, therefore, Er. Mushtaq Ahmad, Junior Engineer (Mech) Diploma holder shall henceforth be treated as Degree holder Junior Engineer (Mech) from the date of passing Degree and his name shall be included at appropriate place in the seniority list of Degree Holders Junior Engineers (Mechanical) as and when the same is notified afresh by the department, besides, 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-HRM1/88/2022-05 (C.No.175851) Dated: 22.11.2022

Copy to the:-

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

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