

Government of Jammu and Kashmir
Jal Shakti Department
Civil Secretariat, Jammu/Srinagar

Subject:- Acceptance of AMICE Degree acquired by the Junior Engineers (Diploma Holders) and inclusion of their names in the seniority list of Junior Engineers (Degree Holders).

Notice.

Whereas, on the recommendation of Jammu and Kashmir Service Selection Board, among others, the following candidates have been appointed as Junior Engineers (Diploma Holders) by virtue of different Govt. Order:-

S.No	Name of Junior Engineer S/Sh./Smt.	Date appointment
01	Mohd. Yaseen Batt	16.04.2007
02	Suresh Kumar Sharma	24.06.1999
03	Randeep Sharma	16.04.2007
04	Gulshan Kumar Gaddi	24.06.1999
05	Satish Kumar	02.12.1992
06	Narinder Singh	24.06.1999
07	Ravinder Kumar Koul	30.04.1992
08	VidhyaDhar	02.12.1992
09	VikramKoul	03.02.1990
10	SusheelBazaz	18.02.1987
11	Narinder Kumar Sasan	16.04.2007
12	NeerajSuadn	16.04.2007
13	Ashwani Kumar	24.06.1999
14	Aftab Hussain	16.04.2007
15	Bilal Ahmed Malla	18.04.2007
16	Muzamil Ahmed Tantry	16.04.2007
17	Mansoor Ahmed Sohil	10.09.2015
18	AamirJavaid	15.07.2008
19	Nazir Ahmed Wani	16.04.2007
20	Shabir Ahmed Shah	16.04.2007
21	Furqan Ahmed Shah	16.04.2007
22	MumamJabbar Mir	18.04.2007
23	ImtiazAhmed Shah	29.08.2007
24	Abdul QadirWathloo	08.03.1988
25	Javaid Ahmad Wagey	17.07.2008
26	Bashir Ahmed Hajam	17.04.2007
27	Mushtaq Ahmed Ganaie	17.04.2007
28	Majid Hussain Batt	16.04.2007
29	Shabir Ahmed Wani	15.02.2008
30	Shazia Noor	14.07.2008
31	Mubashir Maqbool Khan	16.04.2007
32	Mohammed Ajaz Khan	14.07.2008
33	Mohammad Ashraf She (RBA)	08.03.1988

(Handwritten signatures and initials)

Whereas, aforesaid officials approached the department requesting therein to consider their AMICE Degrees Civil Engineering acquired from Institute of Civil Engineers, India Ludhiana Punjab and giving therein benefits of fixation of seniority in the seniority list Junior Engineers (Degree Holders) ; and

Whereas, subsequently, some Junior Engineers (Diploma Holders) who have acquired AMICE Degree Civil Engineering from Institute of Civil Engineers, India Ludhiana Punjab have also filed SWP No.52/2017 MP No. 01/2017 titled Mohammad Yaseen Bhat V/s State of J&K & Ors before the Hon'ble High Court and sought the following relief:-

".....

to decide the representation of the petitioner at an earliest for fixation of their seniority in the Degree Holder Junior Engineers (Civil) by considering their qualification of AMICE (I) on the same analogy as has been adopted by the respondents and also by PWD (R&B) Department of the State in case of similarly situated employees holding the same qualification."

Whereas, the Hon'ble High Court on 09.11.2017 passed the following direction:-

"In this view of the matter, the writ petition is admitted to hearing and taken on record for final disposal and as such disposal with a direction to respondents Nos. 1 and 2 to consider and decide the representation dated 19.09.2016 stated to have been filed by the petitioners expeditiously, preferably within a period of three months from the date a certificated copy of this order alongwith copy of representation dated 19.09.2016 is made available to the respondents".

Whereas , the petitioners also filled Contempt petition bearing No. CPSWP No 213/ 2019 and the Hon'ble High Court passed the following Order on 29.03.2019:-

"The judgment dated 9th November, 2017 has not been compiled with despite several opportunities granted to the respondents.

Mr. Kotwal, learned dy. AG appearing for the respondents seeks and is granted four weeks' last and final opportunity to come up with the compliance of the order of this Court, making it clear that in case compliance is not reported by the next date of hearing, respondents No. 1 i.e. Commissioner/ Secretary to Govt. PHE, I& FC Department shall remain present in the Court on the next date of hearing.

List on 17th May, 2019."

Whereas, the case was examined in the department accordingly vide Government Order No. 198- PW (Hyd) of 2019 dated 14.05.2019; the claim of the petitioners has been found to be bereft of any merit, thereby considered and rejected ; and

Whereas, the petitioners challenged the aforesaid Government

order before the Hon'ble Court at Jammu. The Hon'ble High Court vide its orders dated 22.07.2020 directed as under:-

"In the meanwhile in the event any promotion is made against the next higher post of Assistant Engineer, amongst the Degree Holders Junior Engineers (Grade II), the respondent No.1 shall reconsider the case of the petitioner and in case the petitioners, on fixation of their seniority, fall over and above the Degree Holder Junior Engineer (Grade II) who fall in consideration zone, they shall keep such equal no .of said posts available for petitioners. It is also made clear mere pendency of this writ petition shall not form any basis for the respondent in reconsidering the matter in terms with the Rules governing the field."

Whereas, J&K Engineering (Subordinate) Service Recruitment Rules, 1997, notified vide SRO-180 dated 26.05.1997, provides that:-

"A Junior Engineer Grade-II (Diploma holders) after acquiring AMIE Section (A&B) shall be treated as Degree Holders for the purpose of seniority from the date of completing/passing of AMIE Section (A&B) Course."

Whereas, in a similar situated case vide this department's O.M.No.PW/PHEK/137/2015-WP dated 23.07.2021, Public Works (R&B) Department was requested to intimate as to whether the department can consider names of such Junior Engineers (Diploma Holders), on the basis of their B.Tech. Degree obtained by them through IGNOU for inclusion of their names in the seniority list of JE (Degree Holders) and also consequential benefits; and

Whereas, in response to same Public Works (R&B) Department vide O.M. No. PWD/ HRM/47/2021-05- Deptt of PWD dated 04.08.2021 informed that the issue relating to acceptance of Degrees obtained by the Engineers from the institutions other than AMIE Kolkata i.e. IGNOU, ICE (India) Ludhiana, IME Mumbai etc the matter was taken up with the All India Council for Technical Education (AICTE), MOHRD, GOI vide this department's letter No. PW(R&B)/ Legal/135/2019 dated 04-12-2020 regarding implementation of Judgement of Hon'ble Supreme Court Of India in a case titled Orissa Lift Irrigation Corporation v/s Rabi Shankar Patro & Ors. dated 22-01-2018 as well as equivalence/ verification of Degrees obtained through non-regular modes; and

Whereas, in response, the AICTE has furnished specific clarification on the subject (alongwith annexure) vide communication No. NWRO/AICTE/Verification/2020-21 dated 17.03.2021 and accordingly the department is examining and deciding the issues of Degrees on case to case basis and considering/entertaining such degrees strictly in accordance with the clarifications received from AICTE; and

Whereas, as far as clarification with regard to the Recognition of certification awarded by professional bodies/ Institutions, 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 up-to 31-05-2013. Thus all those students who were enrolled with these institutions as per the above MHRD OM with permanent recognition up-to 31.05.2017 stands recognized and a public notice was issued on 31-10-2017 accordingly. It is also to mention here that AICTE is not a course specific and this is only the endorsement of the decision of MHRD in this regard. The 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 vs State of Punjab & Ors. has endorsed the decision of MHRD and AICTE Public Notice issued in 2017; and

Whereas, AICTE Public Notice dated 31-10-2017 may be accessed from web portal and appropriate decision may be taken for the recognition of the certification awarded by these professional bodies for academic & employment purposes; and

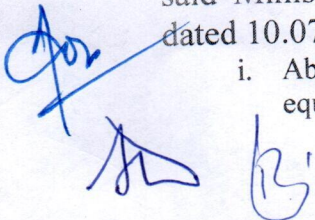
Whereas, Public Works (R&B) Department has also furnished the clarification with to AMICE candidates and has intimated that the department is examining and deciding the issues of Degrees on case to case basis and considering/entertaining such degrees strictly in accordance with the clarifications received from AICTE;and

Whereas, the case was again examined in consultation with Legal Section who opined as under:-

"process the cases of candidates for fixation of their seniority at an appropriate place who have done their courses from distance mode more specifically of those candidates who have done their courses from IGNOU and ICE (Ludhiana) as clarification from AICTE is amply clear on the subject. It is however advisable to bifurcate both the sections of candidates one involving courses done from IGNOU and other section of candidates who have done their courses from ICE(Ludhiana) as both the clarifications have to be dealt strictly as per the clarification received from AICTE accordingly wherein degrees from IGNOU need to be recognized till 2012 and from ICE(Ludhiana) the candidates enrolled till 31-05-2013 needs to be entertained/ considered.

Whereas, Ministry of Human Resources Development (Department of Higher Education) vide O.M. F. No. 11-15/2011- AR (TS-II) dated 06.12.2012 intimated that the following decision has been taken in the said Ministry, in modification of Order F. No. 11-15/2011- AR (TS-II) dated 10.07.2012:-

- i. Above order dated 10.07.2012 regarding cases of recognition in perpetuity for equivalent in Central Government job, stands withdrawn.



- ii. All those students who are enrolled with institutions with permanent recognition upto 31.05.2012 would be eligible for consideration in accordance with MHRD officer memorandum/ order in force pertaining to their courses for equivalence in Central Government jobs. However, these concerned orders will cease to have effect from 01.06.2013 onward.
- iii. After 31.05.2013, based on the review by the regulator i.e. AICTE, a decision on continuation of the certification of equivalence degree/ diploma shall be taken by statutory regulator.
- iv. Statutory regulators should be re-view the fresh proposals/ extension as per statute and regulations.

Whereas, the case was examined in the department accordingly vide this department's letter dated 23.08.2021, Degree certificates/Marks sheets of the above named (33) officials was forwarded to the AMICE, Ludhiana (Punjab), 141002 with the request to verify/authenticate the genuineness of Degree certificates/Marks sheets of the above named 33 Junior Engineers with remarks to this Department for further necessary action; and

Whereas, Controller of Examination, Institute of Civil Engineering India vide letter No. ICE (1) E-21/37916 dated 04.09.2021 returned the Degree certificates/Marks sheets of these 33 Junior Engineers, duly verified as per endorsement thereon; and

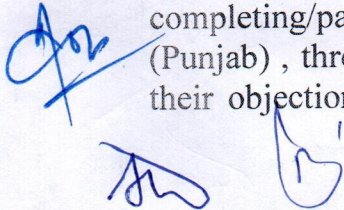
Whereas, the case was again examined accordingly vide e-mail dated 28.09.2021, Controller of Examination, Institute of Civil Engineering India was again requested to verify the genuineness/ authenticity of the letter No. ICE (I) E- 21/37916 dated 04.09.2021, on the e-mail ID- asjzdps@ gmail.com; and

Whereas, the department received the e-mail dated 16.11.2021, 23.11.2021 and 24.11.2021 from (Mr. Paras Dugar, Controller of Examination) , and informed that:-

"With reference to e-mail dated 28.09.2021 regarding genuineness of our letter No. ICE (I) E- 21/37916 dated 04.09.2021. Please note that the above cited letter was issued by our Institution and genuine."

Whereas, the case has again been examined in the department in light of Hon'ble Court Orders, and as per clarification received from Public Works (R&B) Department, with the opinion of Legal Section, it has been decided to fix the in- se- seniority of the aforesaid officials, in the cadre of Junior Engineers (Degree Holders) at appropriate places.

Now, therefore, before fixation of seniority of the following (33) Junior Engineers (Diploma Holders) in the final seniority list of Junior Engineers (Degree Holders), notified, vide Government Order No.121-JK (JSD) of 2020 dated 30.04.2020 at appropriate places, from the date they have completing/passing of their Degree through AMICE Section (A&B) Ludhiana (Punjab) , through print media, to the all concerned likely to be affected to file their objections, if any, within a period of fifteen (15) days from the date of



publication of said notice in the print media, failing which it shall be presumed that nobody has any objection in this behalf and necessary orders to this effect shall be issued accordingly, consequently their names from the seniority list of Diploma Holders shall be deemed to have been deleted. Director Information, J&K shall be request to get the Notice published in two leading News Papers in the UT viz . Daily Excelsior in Jammu and Rising Kashmir in Srinagar for information of all concerned:-

S.No	Name of Junior Engineer S/sh./Smt.	Date of Birth	Date of 1 st Appointment	Date of Enrolment of AMICE Degree	Date of Passing of AMICE Degree	Remarks
1.	Susheel Bazaz	23.03.1963	18.02.1987	19.05.2008	26.08.2010	
2.	Vidhya Dhar	17.03.1970	02.12.1992	19.05.2008	26.08.2010	
3.	Ashwani Kumar	08.10.1972	24.06.1999	19.05.2008	26.08.2010	
4.	Gulshan Kumar Gaddi	01.03.1975	24.06.1999	19.05.2008	26.08.2010	
5.	Narinder Singh	18.05.1975	24.06.1999	19.05.2008	26.08.2010	
6.	Suresh Kumar Sharma	10.04.19075	24.06.1999	19.05.2008	28.08.2010	
7.	Satish Kumar	05.07.1969	02.12.1992	19.05.2008	28.02.2011	
8.	Imtiaz Ahmed Shah	10.03.1974	29.08.2007	08/2008	28.02.2011	
9.	Shabir Ahmed Shah	03.03.1975	16.04.2007	19.05.2008	28.02.2011	
10.	Mubashir Maqbool Khan	20.07.1975	16.04.2007	2008	28.02.2011	
11.	Narinder Kumar Sasan	01.01.1977	16.04.2007	08/2008	28.02.2011	
12.	Neeraj Suadn	21.07.1977	16.04.2007	08/2008	28.02.2011	
13.	Mumam Jabbar Mir	02.01.1980	18.04.2007	08/2008	28.02.2011	
14.	Muzamil Ahmed Tantry	19.04.1981	16.04.2007	19.05.2008	28.02.2011	
15.	Randeep Sharma	03.01.1982	16.04.2007	01.11.2008	28.02.2011	
16.	Abdul Qadir Wathloo	01.04.1964	08.03.1988	08/2008	12.08.2011	
17.	Mohammad Ashraf She (RBA)	10.04.1964	08.03.1988	2009	18.02.2012	The official has already been placed as I/c AE (Diploma Holder) vide Govt. Order No. 117- JK (JSD) of 2021 dated 08.06.2021 as per his own seniority.
18.	Ravinder Kumar Koul	22.02.1965	30.04.1992	22.06.2008	18.02.2012	
19.	Furqan Ahmed Shah	23.04.1981	16.04.2007	09/2009	18.02.2012	
20.	Nazir Ahmed Wani	01.09.1978	16.04.2007	26.10.2009	28.02.2012	
21.	Vikram Koul	30.03.1970	03.02.1990	08/2009	30.08.2012	
22.	Shazia Noor	01.10.1983	14.07.2008	2010	28.08.2013	
23.	Mohd. Yaseen Batt	13.11.1983	16.04.2007	15.02.2007	02.09.2013	
24.	Mansoor Ahmed Sohil	14.09.1987	10.09.2015	24.05.2011	11.10.2013	
25.	Shabir Ahmed Wani	18.02.1982	15.02.2008	08.05.2008	24.02.2014	
26.	Aamir Javaid	27.08.1983	15.07.2008	28.09.2011	15.10.2014	
27.	Mohammed Ajaz Khan	10.08.1979	14.07.2008	30.04.2012	02.03.2015	
28.	Mushtaq Ahmed Ganaie	05.05.1980	17.04.2007	02.03.2012	02.03.2015	
29.	Bilal Ahmed Malla	15.10.1979	18.04.2007	19.05.2008	24.08.2015	
30.	Majid Hussain Batt	14.10.1980	16.04.2007	03/2012	24.08.2015	
31.	Bashir Ahmed Hajam	05.03.1978	17.04.2007	29.04.2013	11.03.2016	
32.	Javaid Ahmad Wagey	12.04.1984	17.07.2008	29.04.2013	11.03.2016	
33.	Aftab Hussain	04.11.1983	16.04.2007	26.05.2009	20.03.2019	

Sd/-

Commissioner/ Secretary to the Government
Jal Shakti Department

Dated: - 09.12.2021

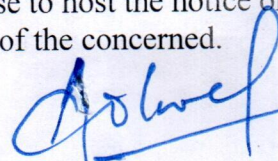
No. PW/ PHEJ/20/2017-WP

Copy to the:-

1. Director, Information, J&K with the request to get the Notice published in

two Leading newspapers of UT viz. "The Daily Excelsior" in Jammu and "The Greater Kashmir" in Srinagar for information of the concerned.

2. All Chief Engineers.
3. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
4. Private Secretary to the Commissioner/Secretary to the Government, Jal Shakti Department.
5. Concerned officials.
6. I/C Website, Jal Shakti Department with advise to host the notice on the departmental official website for information of the concerned.

 09/12/21

(Arun K. Kotwal) JKAS

Additional Secretary to the Government,
Jal Shakti Department

