



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

Subject: M.A. No. 61/112/2021 and T.A. No. 61/1823/2020, titled Vijay Kumar Vs state and others.

Ref. Government Order No.243 PW(R&B) of 2020 dated 28.08.2020

**Government Order No.87-PW(R&B) of 2021**  
**Dated 20.02.2021**

Whereas, a detailed speaking order has already been issued by the department in respect of the petitioner vide Government Order No.243 PW(R&B) of 2020 dated 28.08.2020, thereby rejecting and refuting the claims of the petitioner.

Whereas, petitioner again approached the Hon'ble Tribunal vide above mentioned plea and the Hon'ble Tribunal directed the Department to accord consideration to the case of the applicant in light of representation dated 10.10.2020 made by the petitioner as well as SRO-14 of 2016 dated 15.01.2016 by passing a reasoned and speaking order, and;

Whereas, the case was examined in the Department and it is found that for the purpose of inclusion of petitioner's name in the Junior Engineer (Civil) Degree Seniority list, the department vide O.M. and general notice bearing No. PW(R&B)/Legal/135/2019 dated 04.12.2020 asked the petitioner along with other such degree holders to submit their impugned B.Tech Degrees to this department for verifying the genuineness/veracity of these degrees from AICTE, and;

Whereas most of the incumbents submitted their such impugned B. Tech. degrees in response to the notice issued by the Department dated 04.12.2020 except the petitioner Mr.Vijay Kumar and;

Whereas, B.Tech/AMIE is the basic qualification as per recruitment rules of the Department, for considering any engineer as degree holder, therefore the veracity of same degree is the part and parcel of the procedure adopted in the department for which the petitioners degree was being sought and;

Whereas, vide Circular dated 09.06.2020 of AICTE regarding the clarification of degrees in Engineering awarded through distance learning mode by four (04) Deemed Universities during the year 2001-05, has categorically stated the procedure adopted by the AICTE-UGC for conduction of the validation test and the veracity of the degrees who successfully passed the validation test.

Whereas, the M.Tech Degree acquired by the petitioner has no relevance with the promotion prospects of an engineer working in the R&B Department as per the recruitment rules of the engineering cadre of R&B department and therefore has no space for this degree. Also the petitioner has not sought any prior permission from the department for acquiring this higher qualification and;

Whereas, the department has promoted only those incumbents who have acquired degrees from the respondent deemed universities, and have qualified the validation test/exam

conducted by the AICTE in pursuance to Judgement of Supreme Court in Orissa Lift Irrigation Case and;

Whereas, the claim of the petitioner for seeking prior permission from the department in appearing in the said test/exam of AICTE is concerned, the department has never stopped any such incumbent to appear in the said test, as these were the directions of the Hon'ble Supreme Court and stopping any candidate from appearing in the said test would tantamount to the contempt of the Court and;

Whereas, Hon'ble Supreme Court in the judgement of the case titled Orissa Lift Irrigation case Vs Rabi Sankar Patro passed/announced on 03.11.2017 has no relevance with the earlier judgment of 2013 in which SLP was dismissed by Hon'ble Supreme Court because of other legal issue and ;

Whereas, SRO-14 of 2016 dated 15.01.2016 issued by the PHE, I&FC Department has no bearing on the recruitment rules R&B Department and therefore neither applies for the promotion of the petitioner nor any other candidate born on the establishment of the department and this position applies to each and every engineer of R&B Department;

Whereas, the petitioner has failed to produce the valid B. Tech Degree before the department in response to the notice issued vide No. PW(R&B)/Legal/135/2019 dated 04.12.2020, till date, and;

Now, therefore, in view of the facts and figures detailed above, claims of the petitioner, Mr. Vijay Kumar (Diploma holder) civil for inclusion of his name among "Degree holders" is found devoid of merit for acceptance.

By order of the Government of Jammu and Kashmir

Sd/-

(Shailendra Kumar) IAS  
Principal Secretary to the Government  
Public Works (R&B) Department

Dated: 20.02.2021

No.PW(R&B) Legal/135/2019-II

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, GoI.
2. Commissioner/Secretary to the Government, Tourism Department J&K.
3. OSD to Advisor (B) for information of the Hon'ble Advisor.
4. Additional Secretary (Legal) PW(R&B) Department for information.
5. Private Secretary to Principal Secretary to the Government, PW(R&B) Department for information of Principal Secretary.
6. Concerned official.
7. I/c Website, PW(R&B) Department.
8. Government Order file/Stock file.
9. Monday return.

(Shahid Mahmood)KAS  
Additional Secretary to the Government