



सत्यमेव जयते

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

Subject: T.A. No.61/5955/2020 and OA No.61/1876/2021 titled Mohd. Hafiz  
V/s UT of J&K and others.

**Government Order No: 91 -PW(R&B) of 2022**  
**Dated: 11 .03. 2022**

Whereas, Chief Engineer, PW(R&B), Jammu vide his letter dated 28.09.2021, has forwarded (among others) the case of petitioner whose particulars are given below was received from the for acceptance of his diploma and inclusion of his name in the relevant seniority list of Diploma holder Works Supervisors:-

Name with design	Date of appointment	Date of enrolment	Name of University	Date of passing Diploma	Whether permission obtained from Administrative Deptt.
Mohd Hafiz (Works Supervisor)	01.04.1999	2009	Janardharn Rai Nagar Rajasthan Vidyapeeth University Rajasthan	Diploma May 2012 (Distance)	Without prior permission from Competent Authority

Whereas, the case of petitioner was examined in this department and on perusal of Diploma/ other documents, it has been found that:-

- (i) The petitioner has obtained his diploma from JRN Rajasthan Vidyapeeth University Udaipur through distance Mode . The said University is part of judgment of Hon'ble Supreme Court relating to Vinayaka Mission University in case titled in case titled Orissa Lift Irrigation Corporation V/s Rabi Sankar Patro and others. Besides, the AICTE vide their communication/ clarification dated 17.03.2021 has intimated that Janardan Rai Nagar Rajasthan Vidyapeeth University, Udaipur does not exist in the list of Institutions approved by AICTE
- (ii) The petitioner acquired his higher studies (diploma) without taking the prior permission from the Competent Authority in the Administrative Department.

Whereas, the case was re-examined in light of above facts involved in the case, the diploma acquired by the petitioner from JRN Rajasthan Vidyapeeth University Udaipur through distance mode that too without obtaining the prior permission from Competent Authority has not been accepted/ considered by the department.

Whereas the issue with regard to equivalence of Diploma acquired by the in-service candidates through distance mode of education from various Institutions, Universities this department vide OM No PW(R&B) 32/ 2019 dated 22.06.2020 has taken up the matter with Technical Education Department with the request to provide the clarification with regard to equivalence and validity of diploma acquired through distance mode of education. The same was followed by issuance of a reminder dated 23.08.2021.

Whereas, in response to this department communication, the Department of Skill Development, (former Technical Education Department) vide their OM No DSD-Poly/ 40/ 2021-02 dated 10.09.2021 has intimated that General Administration Department has constituted a Standing Committee in Higher Education Department for the said purpose vide Government Order No 1384-GAD of 2018 dated 12.09.2018 and as such has requested this department to take up the matter with the Higher Education Department.

Whereas, the matter was again examined in this department and the issue with regard to equivalence of diploma acquired through distance mode of education has been taken up with the Higher Education Department vide this department's O M No PW-HRM1/ 104/ 2021-05-Deptt.of PWD dated 02.12.2021 for placing the matter before the Designated Equivalence Committee constituted for the purpose.

Whereas, the Higher Education Department has not provided any response/ reply on the issue referred to them by this department.

Whereas, as per rules/ standings orders/ instructions issued by the Government from time to time, it is mandatory for an in-service government servant to obtain prior permission from the competent authority for acquiring higher qualification, if any.

Whereas, Rule 63(a) and Rule 73 of J&K Civil Services Regulations-Vol-I provides as under:-

**Rule 63(a):**

**Every application for study leave shall be submitted through proper channel to the authority competent to grant leave;**

**Rule 73: Authority Competent to sanction study leave"**

The concerned Administrative Department shall be competent to sanction study leave without pay and allowances under these rules within/ outside the State or outside the country

Whereas, the PW(R&B) Department had issued circular instructions on the subject vide circular No.PW(Coord/ 34/ 2000 dated 11.07.2008 circulating therein that before seeking admission for higher studies on regular or distance basis a government employee is required to seek prior permission from the Competent Authority to pursue any such course, but in most of cases where the official have claimed to have acquired higher qualification, prior permission was not obtained. As such it was enjoined upon all the HODs to ensure that any employee desirous to pursue any course, should seeks proper permission from the Competent Authority and in case it is not done.

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his/her case should not be submitted by HOD to the Administrative Department for considering him/her under the relevant category for which he/she claims to have been qualified

Whereas, this department has again issued circular instructions on the subject vide Circular dated 13 09 2021 wherein it has categorically been circulated/ informed all the concerned that "no such case shall be considered by the department who has not taken prior permission from Administrative Department before proceeding for pursuing such higher studies/ course".

Whereas, in view of above facts, the claim of the petitioners for acceptance of diploma acquired through distance mode of education from JRN Rajasthan Vidyapeeth University, Udaipur that too without obtaining the prior permission from Competent Authority is devoid of merit and cannot be considered at this stage by the department, as such needs to be rejected.

Now, therefore, the claim of petitioners for acceptance of diploma acquired through distance education mode from JRN Rajasthan Vidyapeeth University, Udaipur that too without obtaining the mandatory prior permission from Competent Authority which is pre-requisite for acquiring higher qualification is hereby rejected on the grounds as mentioned above.

By order of the Government of Jammu & Kashmir.

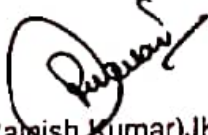
S/d  
(Shailendra Kumar) IAS  
Principal Secretary to the Government

No. PWD-LIT/441/2021-05-PWD R&B Deptt.

Dated: 11 .03. 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. Registrar, J&K High Court/ Central Administrative Tribunal, Jammu
4. Director, Archives, Archaeology & Museum, J&K, Jammu.
4. Development Commissioner Works, PW(R&B) Department.
5. Chief Engineer PW(R&B) Department, Jammu/ Kashmir.
6. OSD to Hon'ble Advisor (B) for information of Hon'ble Advisor.
7. Senior Law Officer, PW(R&B) Department
8. Private Secretary to the Principal Secretary to Government, PW(R&B) Department
9. Concerned Engineers
10. Government Order file/Monday/return file w.2.s.c
11. I/c website, Public works (R&B) Department.

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