

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Civil Writ Petition No.18830 of 2009

Date of Decision: December 08, 2009

Jagtar Singh

.....PETITIONER(S)

VERSUS

State of Punjab & Others

.....RESPONDENT(S)

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CORAM: HON'BLE MR. JUSTICE AJAI LAMBA

PRESENT: - Mr. R.S. Mamli, Advocate, for the petitioner.

Mr. Manu K. Bhandari, Advocate,  
for caveator-respondent No.2.

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AJAI LAMBA, J (Oral)

This petition has been filed under Article 226/227 of the Constitution of India praying for issuance of a writ, quashing the action of the respondents whereby the petitioner has been declared ineligible for being considered for the post of Sub Divisional Engineer by way of direct appointment.

Crux of the arguments of learned counsel for the petitioner is that the petitioner possesses a degree of Association Member of Institute of Engineering (for short, 'AMIE'). On

the first count, it has been argued that the Central Government has recognised AMIE as equivalent to degree in the appropriate branch of engineering. In this regard, reliance has been placed on Annexure P-7.

On the second count, it has been argued that the petitioner is required to be considered eligible in view of Column No.5 to Serial No.4 of Appendix 'B' framed under Rule 5 of the Punjab Water Supply and Sanitation (Engineering Wing) Group-A Service Rules, 2007 (for short, 'Rules').

Learned counsel for caveator-respondent No.2 has drawn the attention of the Court towards the fact that Annexure P-7 relates to the Rules adopted by the Government of India which have not been adopted by the State of Punjab.

On the second count, learned counsel for the caveator has responded by saying that the Rules on which reliance has been placed, relate to eligibility for promotion.

I have considered the issue.

Annexure P-7 is a notification issued by the Government of India, Ministry of Human Resource Development, Department of Secondary & Higher Education, Shastri Bhavan, New

Delhi on 16.1.2006 to the effect that on recommendations of High Level Committee, Government of India has decided to recognise 15 courses of Section A & B Examination as revised, conducted by the Institutes of Engineering (India) Kolkata as equivalent to Degree in the appropriate branch of engineers of the Recognised Universities in India.

It has been admitted by learned counsel for the petitioner that the notification applies only to the employees under the Government of India. The notification is not even addressed to any authority in Punjab.

In such circumstances, the petitioner cannot draw any benefit from Annexure P-7. Notification Annexure P-7 is in relation to Government of India service and cannot be read in context of service in Punjab State. Admittedly, the notification (Annexure P-7) has not been adopted by the State of Punjab.

So far as the second argument is concerned, Rule 5 of the Rules provides in the following terms:-

**“5. Method of appointment and qualifications experience.-**(1) Appointment to a post in the Service shall be made in the manner as specified against the post in Appendix “B”.....

(2) No person shall be appointed to a post in the Service, unless he possesses the qualification and experience, specified against that post in Appendix “B”.”

Appendix 'B' framed under Rule 5 of the Rules under Column No.5 reads as under (relevant portion):-

Serial No.	Designation of the post	Percentage for appointment by		Method, qualification and experience for appointment by	
		Promotion	Direct appointment	Promotion	Direct appointment
1	2	3	4	5	6
4	Sub-Divisional Engineer	Forty per cent	Sixty per cent	(a) (i) xx xx xx xx xx	xx
				(ii) <b>thirteen per cent</b> from amongst the Junior Engineers, working under the control of Chief Engineer, who possess a Degree in Engineering in Civil or Mechanical or degree of AMIE from a recognised university or institution, and who have an experience of working as such for a minimum period of three years after obtaining the aforesaid degree; and	

Perusal of above reproduced Appendix B, Column No.5 shows that it deals with the case of promotion. The petitioner, however, claims himself to be eligible for direct recruitment. The case of the petitioner, under the circumstances, would fall under Column No.6. Under Column No.6, however, AMIE has not been provided as required qualification.

So far as direct appointment is concerned, the qualification provided for appointment of Sub Divisional Engineer, is in the following terms:-

“Should possess a degree in Engineering in Civil or Mechanical from a recognized University or Institution”

Admittedly, the petitioner does not possess a degree in Engineering in Civil or in Mechanical from a recognised University or Institution. The Rules do not provide for any equivalent course to be accepted in lieu of the degree in Engineering.

In view of the above, I am of the considered opinion that no fault can be found with the action of the respondents in holding the petitioner as ineligible for consideration for the post of Sub Divisional Engineer by way of direct appointment.

The petition is dismissed.

**(AJAI LAMBA)**  
**JUDGE**

**December 08, 2009**

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1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?