

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7654 of 2017

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1. Maheshwar Sharma, son of Pawan Kumar Thakur, resident of Mohalla- South East of Law College, Gannipur, P.S.- Kazi Mohammadpur, District- Muzaffarpur, presently posted against the post of Junior Engineer, RWD, Works Division, Dhaka.
 2. Ram Nath Singh, son of Late Jagat Singh, resident of Village- Sonbarsa, P.S.- Karath, District- Rohtash, Presently posted against the post of Junior Engineer, RWD, Works Division, Banipatti, District- Madhubani.
 3. Molazim Ansari, son of Rahim Hussain Ansari, resident of Village- Nauwa Tola, P.S.- Baghanpur Haat, District- Siwan. Presently posted against the post of Junior Engineer, RWD, Works Division, Madhubani.
 4. Sanjay Kumar Prasad, son of Jai Narayan Prasad, resident of Village- Bagaha Bazar, P.O. and P.S.- Bagaha, District- West Champaran. Presently posted against the post of Junior Engineer, RWD, Works Division, Madhubani.
 5. Md. Shafique Ansari, son of Late Nek Mohammad Ansari, resident of Village- Khujhwa, P.S.- Raghunathpur, District- Siwan (Bihar). Presently posted against the post of Junior Engineer, RWD, Works Division, Biroul.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
4. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
5. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
6. The Principal Secretary, Science and Technology Department, Government of Bihar, Patna.
7. The Director, Science and Technology Department, Government of Bihar, Patna.
8. The Bihar Public Service Commission through its Chairman, 15 Jawaharlal Nehru Marg, Baily Road, Patna.
9. The Staff Selection Commission through its Chairman, Veterinary College, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok, Adv.
For the Respondent/s : Mr. Prabhat Ranjan, A.C. to G.P.6
For the B.P.S.C. : Mr. Sanjay Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 18-12-2017

Heard Mr. Alok, learned counsel for the petitioners, Mr.

Prabhat Ranjan, A.C. to G.P.6 for the State and Mr. Sanjay Pandey,



learned counsel for the B.P.S.C.

The petitioners pray for a direction to the respondents to consider their cases for promotion to the post of Assistant Engineer under the 10% quota earmarked for those Junior Engineers with the prescribed experience and possessed with A.M.I.E (Associate Members of the Institution of Engineers, India) qualification or equivalent examination in accordance with the resolution of the State Government bearing Memo No.5008(S) dated 22.7.1998.

The petitioners herein are Junior Engineers and have acquired their qualification from Karnataka State Open University, Mysore. Mr. Alok drawing the case at parity with some of the Junior Engineers who acquired such qualification from the Institute of Civil Engineers (India), Ludhiyana has submitted that on non- consideration of the case of these Engineers for similar promotion, they came before this Court in **C.W.J.C.No.16304 of 2016 (Sameer Kumar Singh Vs. State of Bihar)** and vide judgment and order passed on 09.11.2016, copy of which has been enclosed at Annexure-17, the writ petition was disposed of with direction to the respondent State to decide as a matter of policy whether they were willing to grant the same status to the Junior Engineers with regard to the diploma/degree which they had obtained from the Institution of Civil Engineers (India), Ludhiyana.



It is submitted in reference to Annexure 17/1 which is the minutes of a proceeding of a Committee held on 27.2.2017 chaired by the Chief Secretary and circulated vide order bearing Memo No.2260(S) dated 09.03.2017 that the qualification granted by the Institution of Civil Engineers (India), Ludhiyana was given recognition. The Committee also decided that in cases raising similar issues, opinion be gathered from the A.I.C.T.E as to whether similar relief can be granted.

He thus submits that the principle laid down by the Committee in regard to the A.M.I.E qualification acquired by the Junior Engineers having obtained their qualification from Institution of Civil Engineers (India), Ludhiyana may be applied to the case of the present petitioners also who have obtained their qualification from the Karnataka Open University, Mysore.

Counter affidavit is filed and in paragraph 7 of the counter affidavit reflects that the cases of Junior Engineers obtaining degree from A.M.I.E., Kolkata is to be considered by the Department for the same purpose.

In the circumstances discussed and having heard learned counsel for the parties, for the present, I deem it proper to remit this matter to the Committee, chaired by the Chief Secretary to consider the claim of the petitioners for promotion under the 10% quota vide resolution No.5008 dated 22.7.1998 and take a final decision as to



whether the A.M.I.E. qualification possessed by these petitioners is at parity with the qualification held by the petitioner in the case of **Sameer Kumar Singh** (supra) i.e from Ludhiyana and or with those obtaining their qualification from Kolkata, within a period of 3 months from the date of receipt/production of a copy of this order.

The writ petition is allowed with the direction aforementioned.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	15.01.2018
Transmission Date	NA

