

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5944 of 2015
(@ SLP(C) No. 35675 OF 2011)

AKHILESH SHUKLA & ORS.
t(s)

Appellan

VERSUS

UNION OF INDIA & ANR.
nt(s)

Responde

WITH

CIVIL APPEAL NO. 3150 OF 2007

WITH

CIVIL APPEAL NO. 3140-3141 OF 2007

WITH

CIVIL APPEAL NO. 5947/2015
(@ SLP (C) NO. 35678 OF 2011)

O R D E R

Leave granted in SLP(C) No. 35675 of 2011 and
SLP (C) NO. 35678 of 2011.

The only question for consideration is
the interpretation of the requirement for promotion to the
post of Surveyor of Works under the Mili
tary Engineering Services (Surveyor of Works Ca
dre)
Recruitment Rules, 1985.

According to the appellants, to be eligible for
the promotion to the post of Surveyor of Works,
the requirement is that a person should have been
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Meenakshi Kohli
Date: 2015.08.05
12:13:07 IST
Reason:

Assistant Surveyor of Works with four years regular

service in the grade and having passed the final Direct

Final Examination of the Institution of Surveyors
(India).

According to the respondents, it is not only the requirement that the candidate should have passed the final Direct Final Examination of the Institution of Surveyors (India) but he/she would be eligible if an equivalent degree is held, as specifically mentioned in the Recruitment Rules.

We find from a perusal of the Recruitment Rules that for the purposes of promotion to Assistant Surveyor of Works, the eligibility is that a person should be a Surveyor Assistant Grade-I holding a degree in Civil Engineering from a recognized university or equivalent or having passed final Direct Final Examination of the Institution of Surveyors (India) with five years regular service in the grade or

Effectively, therefore, to be eligible for promotion as Assistant Surveyor of Works, a degree in Civil Engineering is treated as equivalent to having passed final Direct Final Examination of the Institution of Surveyors (India).

An Assistant Surveyor of Works is entitled to be considered for promotion as Surveyor of Works provided he/she has four years regular service in the cadre of Assistant Surveyor of Works and has passed the final Direct Final Examination of the Institution of Surveyors (India) or equivalent, as mentioned in the

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Recruitment Rules.

From the record, it appears that the respondents have a degree in Civil Engineering while the appellants have not only a degree in Civil Engineering but had passed the final Direct Final Examination of the Institution of Surveyors (India) prior to the respondents.

The question that arises is whether the civil engineering degree is equivalent to having passed the

final Direct Final Examination of the Institution of Surveyors (India).

In our opinion, since these two qualifications have been treated as equivalent for the purposes of promotion to the post of Assistant Surveyor of Works, there is no reason why they should not be treated as equivalent for the purposes of promotion to the post of Surveyor of Works.

Our notice has been drawn to communications dated 31.01.1994 and 21.01.1995 issued by the Union Public Service Commission (UPSC) and the Ministry of Human Resource Development respectively. A reading of both these documents indicates that a person who has passed the final Direct Final Examination of the Institution of Surveyors (India) holds a degree which is equivalent to a degree in engineering for the purposes of recruitment to superior services/posts under the Central Government. In other words, such

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persons are considered eligible for recruitment to the Engineering Services Examination conducted by the UPSC.

Learned counsel for the appellants contended that even so, there is a qualitative difference between the curriculum that is prescribed for obtaining a degree in civil engineering or passing the final Direct Final Examination of the Institution of Surveyors (India). While this may be, we have no option but to go by the Recruitment Rules as they are framed and the Recruitment Rules as mentioned above provide for equivalence between the two, that is, a degree in Civil Engineering and passing the final Direct Final Examination of the Institution of Surveyors (India).

If the submission of learned counsel for the appellants is to be accepted, the Rules would not have carried the words "or equivalent" in respect of the

eligibility requirement for promotion as Surveyor of Works.

We see no reason to interfere with the impugned order passed by the High Court.

The appeals are dismissed with no orders as to cost.

.....J.
[Madan B. Lokur]

.....J.
[R.K. Agrawal]

NEW DELHI
AUGUST 04, 2015

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ITEM NO.105

COURT NO.9

SECTION IV

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Civil Appeal No(s). 3150/2007

UNION OF INDIA & ORS.

Appellant(s)

VERSUS

AVINASH CHANDER DUTTA
(With office report)

Respondent(s)

WITH
C.A. No. 3140-3141/2007
(With Interim Relief and Office Report)

SLP(C) No. 35678/2011
(With Interim Relief and Office Report)

SLP(C) No. 35675/2011
(With appln.(s) for directions and appln.(s) for permission to place addl. documents on record and Interim Relief and Office Report)

Date : 04/08/2015 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE R.K. AGRAWAL

For Appellant(s)
3150/07 Mr. Aman Sinha, Sr. Adv.
Mr. Shailender Saini, Adv.
Mr. Gaurav Sharma, Adv.
Mrs. Anil Katiyar, Adv.

For Respondent(s) Mr. V.K. Garg, Sr. Adv.
Mr. Neeraj Kumar Sharma, Adv.
Mr. M. C. Dhingra, Adv.

35675 & 35678/11 Mr. Sukumar P., Sr. Adv.
Mr. Swetank Shantanu, Adv.
Mr. Sanjiv Choudhary, Adv.
Mr. S. Dubey, Adv.
Ms. A. Shivani, Adv.
Mr. Pratap Shanker, Adv.
Mr. Neeraj Shekhar, Adv.

3150/07 Mr. B.V. Balaram Das, Adv.
35675/11 Mr. V.K. Garg, Sr. Adv.
& 35678/11 Mr. O. P. Bhadani, Adv.
Mr. Ashok Anand, Adv.

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Ms. Noopur Dubey, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted in SLP(C) No. 35675 of 2011 and
SLP (C) NO. 35678 of 2011.

The appeals are dismissed in terms of the signed
order.

(Meenakshi Kohli)
COURT MASTER

(Jaswinder Kaur)
COURT MASTER

[Signed Order is placed on the file]