2025:AHC:227944-FB

AFR

Reserved on 18.09.2025

Delivered on 18.12.2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

CATEGORY-A

SPECIAL APPEAL No. - 1236 of 2019

Satya Prakash Yadav and 2 others .....Appellant(s)

Versus

State of U.P. and 3 others .....Respondent(s)

with

SPECIAL APPEAL DEFECTIVE No. - 972 of 2020

Israr Ahmad and another .....Appellant(s)

Versus

State of U.P. and 3 others .....Respondent(s)

with

SPECIAL APPEAL No. - 386 of 2021

Kamal Kumar Pandey .....Appellant(s)

Versus

State of U.P. and 3 others .....Respondent(s)

with

CATEGORY-B

WRIT - A No. - 2811 of 2019

Arnav Kumar Dutta and 4 others .....Appellant(s)

Versus

State of U.P. and 7 others .....Respondent(s)

with

WRIT - A No. - 1012 of 2024

Alok Tiwari and another .....Appellant(s)

Versus

State of U.P. and 8 others .....Respondent(s)

with

WRIT - A No. - 12948 of 2019

Pradeep Kumar Patel and 15 others .....Appellant(s)

Versus

State of U.P. and 8 others .....Respondent(s)

with

WRIT - A No. - 14767 of 2019

Aryendra Kishore Bharadwaj and 14 others .....Appellant(s)

Versus

State of U.P. and 8 others .....Respondent(s)

with

WRIT - A No. - 15097 of 2019

Anoop Singh and 4 others .....Appellant(s)

Versus

State of U.P. and 8 others .....Respondent(s)

with

CATEGORY-C

WRIT - A No. - 7416 of 2020

Shailendra Kumar .....Appellant(s)

Versus

State of U.P. and 4 others .....Respondent(s)

with

WRIT - A No. - 3233 of 2020

Siddharth Pandey .....Appellant(s)

Versus

State of U.P. and 4 others .....Respondent(s)

with

WRIT - A No. - 21314 of 2019

Mohit Singh And 4 Others .....Appellant(s)

Versus

State of U.P. and 3 others .....Respondent(s)

with

CATEGORY-D

WRIT - A No. - 5508 of 2022

Abhishek Kumar And Another .....Appellant(s)

Versus

State of U.P. and 8 others .....Respondent(s)

with

WRIT - A No. - 18365 of 2022

Hemant Singh Parihar .....Appellant(s)

Versus

State of U.P. and 3 others .....Respondent(s)

with

WRIT - A No. - 9263 of 2020

Baljeet Yadav And 5 Others .....Appellant(s)

Versus

State of U.P. and 3 others .....Respondent(s)

with

WRIT - A No. - 9713 of 2019

Rajesh Kumar And 5 Others .....Appellant(s)

Versus

State of U.P. and 3 others .....Respondent(s)

with

WRIT - A No. - 15480 of 2019

Ram Kumar Sharma .....Appellant(s)

Versus

State of U.P. and 8 others .....Respondent(s)

with

WRIT - A No. - 10996 of 2019

Devesh Kumar And 3 Others .....Appellant(s)

Versus

State of U.P. and 3 others .....Respondent(s)

with

CATEGORY-E

WRIT - A No. - 8712 of 2019

Raghuvendra Singh Rajpoot .....Appellant(s)

Versus

State of U.P. and 8 others .....Respondent(s)

with

WRIT - A No. - 2392 of 2024

Satrughan Tripathi .....Appellant(s)

Versus

State of U.P. and 3 others .....Respondent(s)

with

CATEGORY-F

WRIT - A No. - 19218 of 2019

Harish Kumar and Another .....Appellant(s)

Versus

State of U.P. and 7 others .....Respondent(s)

APPEARANCES:- Shri Ashok Khare, Shri U.K. Saxena, learned Senior Advocates, along with Shri Navin Kumar Sharma and Shri Umang Srivastav, counsel for the appellants/ petitioners, Shri Manish Goyal, learned Additional Advocate General, along with Shri A.K. Goyal, learned Additional Chief Standing Counsel, Shri Chandan Kumar, learned Standing Counsel for the State and Shri Avneesh Tripathi, counsel for the UP Public Service Commission.

Court No. - 21

HON'BLE MANOJ KUMAR GUPTA, J.
HON'BLE AJIT KUMAR, J.
HON'BLE VIKAS BUDHWAR, J.

1. A Division Bench, having noticed divergent views expressed by an earlier Division Bench and a Single Judge Bench on the same controversy, passed the following order on 03.02.2025:

> *"1. The special appeal is directed against the order of learned Single Judge dated 06.11.2019 dismissing the writ petition of the appellants. The petitioners had challenged a communication sent by the office of Chief Engineer, Irrigation Department of the State U.P. dated 21.06.2018 addressed to the State Government, whereby recommendation was made to fill up only 394 post falling vacant in the recruitment years 2011-12, 2012-13 and 2013-14 through the State Engineering Services Recruitment Examination, 2014. The main ground of challenge was that the advertisement was issued on 24.11.2013 for filling up 640 posts and after issuance of advertisement, the vacancies could not have been reduced and that it was permissible to include future vacancies of next three recruitment years. Before the learned Single Judge, reliance was placed on a Division Bench judgment in Writ (S.B.) No. 1596 of 2016 where the Division Bench declined to accept challenge to the requisition dated 07.11.2013 by the Secretary, Irrigation Department, to the U.P. Public Service Commission informing the Commission of the vacancies against which recruitment was to be held. It also included the future vacancies of recruitment years 2014-15 and 2015-16. The learned Single Judge held that in accordance with Rules of 1993, the selection could be held only for the vacancies occurring in the recruitment year and future vacancies could not be included. It has been held that in case future vacancies are also included, the persons who would acquire eligibility in the subsequent recruitment years would stand excluded from the selection process and this would result in violation of Articles 14 and 16 of the Constitution. In other words, the view taken by the Division Bench in respect of the same selection has not been followed for the reasons stated in the judgment.*
>
> *2. This Division Bench is therefore, having one judgment, which takes a view in favour of inclusion of future vacancies and a judgment of learned Single Judge taking a contrary view. The said judgment as noted above duly takes notice of the Division bench judgment.*
>
> *3. We are of the opinion that in the aforesaid facts and circumstances, the controversy should be settled by a larger Bench.*
>
> *4. Accordingly, we direct the office to place the record of the instant case along with all connected matters before Hon'ble the Chief Justice for appropriate orders."*

2. Pursuant thereto, the present batch of intra court appeals and connected petitions have been placed before us, by order of Hon'ble the Chief Justice.

Facts:

3. Broadly stated, the facts are that the State of Uttar Pradesh (in short 'State') in order to fill up the posts of Assistant Engineer (Civil) in the Irrigation Department sent a requisition on 06.07.2012 to the U.P. Public Service Commission (in short 'Commission') for 262 vacancies for the posts of Assistant Engineer (Civil) for the recruitment year 2011-12. In continuation of the same, another requisition was sent by the Special Secretary, Government of Uttar Pradesh, to the Commission on 07.11.2013 for 378 posts for the vacancies pertaining to the recruitment years 2012-13, 2013-14, 2014-15 and 2015-16 (121+86+79+92). Thereafter, an advertisement No. A-8/-E-1/2013 dated 24-12-2013 was issued by the Commission notifying a Combined Recruitment of Assistant Engineer (Civil, Mechanical, Agriculture) for several departments of the State Government, including the Irrigation Department. The total number of vacancies advertised for Assistant Engineer (Civil) in the Irrigation Department was 640 (262+378). The last date for submission of applications was 24-01-2014.

4. According to the State, an error occurred in the calculation of the vacancies of the Irrigation Department, while sending requisition to the Commission. The total sanctioned strength of Assistant Engineer (Civil) was 1588, out of which 804 posts were for direct recruitment and 784 for promotion. Out of 804 posts earmarked for direct recruitment, 330 posts stood occupied by direct recruits thus leaving only 474 posts. Consequently, the Personnel Department of the State was consulted, and on 01-11-2017, the Chief Engineer, Karmik (Establishment-II) Irrigation and Water Resources Department, U.P. submitted a report before the Special Secretary, Irrigation Department, stating that against the sanctioned strength of 804 posts for direct recruitment, 330 posts had

already been filled, so selections were required to be conducted for only 474 vacancies against the requisitioned 640 posts. Therein, he also specified the manner, in which the earlier requisitions were to be amended. The same is as follows:-

संशोधित तालिका

क्रम सं.	विवरण	पदों की संख्या
1.	वर्तमान में सीधी भर्ती संवर्ग के सहायक अभियंता (सिविल) के कार्यरत/ भरे पदों की संख्या	305
2.	चयन वर्ष 2009-10 एवं 2010-11 हेतु अधियाचित पदों से सम्बन्धित सम्मिलित राज्य अभियंत्रण परीक्षा-2011 में लोक सेवा आयोग, उ०प्र० इलाहाबाद द्वारा चयनित 182 अभ्यर्थियो में से शेष बचे अभ्यर्थियों की संख्या (जिनके नियुक्ति आदेश शासन स्तर पर जारी किए जाने हैं)	08
3.	लोक सेवा आयोग, उ०प्र०, इलाहाबाद द्वारा विकलांगजन हेतु (बैकलॉग/विशेष चयन) परीक्षा-2013 में विकलांगजन के विज्ञापित पद	17
4.	उक्त के फलस्वरूप सीधी भर्ती संवर्ग के सहायक अभियंता (सिविल) के भरे पदों की संख्या	330
5.	सिंचाई एवं जल संसाधन विभाग, उ०प्र० में सीधी भर्ती संवर्ग के सहायक अभियंता (सिविल) के स्वीकृत पदों की संख्या	804
6.	सीधी भर्ती संवर्ग के सहायक अभियंता (सिवल) के स्वीकृत पदों के सापेक्ष भरे पदों की स्थिति के अनुसार सहायक अभियंता के वर्तमान में रिक्त पदों की स्थिति (804-330)	474
7	चयन वर्ष 2011-12 से 2015-16 तक अधियाचित्त पदों की संख्या जिनके समबन्ध में लोक सेवा आयोग, उ०प्र० इलाहाबाद द्वारा चयन सम्बन्धी कार्यवाही प्रगति पर है	640
8.	वर्तमान में सीधी भर्ती संवर्ग के सहायक अभियंता (सिविल) के 474 रिक्त पद उपलब्ध है परन्तु चयन वर्ष 2011-12 से 2015-16 तक 640 अधियाचित पद, जिनके सम्बन्ध में लोक सेवा आयोग द्वारा कार्यवाही की जा रही है, में पदों के आधिक्य की स्थिति (640-474= 166)	166

5. Accordingly, a communication came to be issued by the State, addressed to the Commission on 14.11.2017, for making selections against 474 posts of Assistant Engineer (Civil). It states that the Chief Engineer *vide* his aforesaid letter dated 01.11.2017 had informed that as envisaged under Rule 8 of the U.P. Government Servants Seniority Rules, 1991, a consolidated seniority list was in existence. The said list was required to be considered while sending the requisition. However, without taking into consideration the said list, requisitions were sent. This resulted in requisition of 166 candidates in excess of the existing vacancies. It was stated that only 474 posts of Assistant Engineer (Civil) were vacant and accordingly, direction was issued to make selection of 474 candidates only as against the requisition of 640. Along with the said communication, copy of letter of the Chief Engineer dated 01.11.2017 was annexed.

6. Further, correspondence took place for clarity on the process of making selections for the vacancies advertised on 24.12.2013. In reply to a State Government's letter dated 30.01.2018 and Commission's letter dated 23.01.2018, the Chief Engineer Karmik (Establishment-II) Irrigation and Water Resources Department, by letter dated 10.05.2018, furnished information regarding the vacancies available to be filled for the recruitment years 2011-12 to 2016-17, totalling 474 posts, the break up of which is as follows:

क्रम संख्या	चयन वर्ष	रिक्त पदों की संख्या	कुल पद
1	2011-12	255	454
2	2012-13	66	
3	2013-14	73	
4	2014-15	51	
5	2015-16	09	
6	2016-17	20	20
योग			474

7. On 18.05.2018, the State issued a communication to the Commission to act in accordance with the letter dated 10.05.2018. Thereafter, by communication dated 31.05.2018, the Commission sought clarification from the State regarding the actual number of vacancies available, as there were two communications on record - one dated 28.09.2015, indicating that the total vacancies available for the recruitment years 2011-12 to 2013-14 were 469, and the other dated 10.05.2018, annexing therewith a letter of the Irrigation Department of the even date, disclosing 394 vacancies (255+66+73) upto the recruitment year 2013-14. On 05.06.2018, the Joint Secretary, State of U.P. addressed a letter to the Engineer-in-Chief and the Head of the Department, Irrigation and Water Resources, Lucknow seeking inputs in the light of the query made by the Commission on 31.05.2018.

8. The Chief Engineer, Karmik Establishment-II, Irrigation and Water Resources Department, U.P. by his letter dated 21.06.2018 informed that the total number of vacancies available for the post of Assistant Engineer (Civil) for the recruitment years 2011-12, 2012-13 and 2013-14 was 394 (255+66+73) and only these vacancies were required to be filled up. On 02.07.2018, the State Government, through its Joint Secretary, addressed a communication to the Commission, directing it to act in accordance with the letter dated 21.06.2018 while making selections for the post of Assistant Engineer (Civil) in the Irrigation Department.

9. The direction issued by the State to the Commission to make recommendation only against the posts falling vacant up to the year 2013-14 (394 vacancies), i.e. during the course of the recruitment year in which advertisement was issued, and not against future vacancies, led to filing of several appeals/writ petitions.

Category 'A' comprises of the Intra Court Appeals preferred by the writ petitioners/appellants whose writ petitions, questioning the letter dated 21.06.2018 issued by the Chief Engineer, Irrigation Department, State of

U.P., whereby only 394 posts were recommended to be filled, stood dismissed.

Category 'B' comprises of the writ petitions questioning the said recommendation of the Chief Engineer dated 21.06.2018.

Category 'C' comprises of the writ petitions wherein challenge has been laid to the final result dated 03.05.2019.

Category 'D' comprises of the writ petitions seeking a direction to fill up all the posts advertised on 24.12.2013.

Category 'E' are the writ petitions wherein the challenge has been raised to the result dated 02.02.2019, limiting the declaration of result to vacancies upto the recruitment year 2013-14.

Category 'F' are the writ petitions wherein the writ petitioners seek a direction to call them for interview.

10. During course of hearing on 14.08.2025, the following order was passed:-

> *"Heard Sri Ashok Khare, learned Senior Advocate assisted by Sri Umang Srivastava, learned counsel for the appellants, Sri Avneesh Tripathi, learned counsel for the respondent No.- 3, namely U.P. Public Service Commission and Sri Manish Goyal, learned Additional Advocate General assisted by Sri Kunal Ravi Singh, learned Chief Standing Counsel and Sri A.K. Goyal, learned Additional Chief Standing Counsel for the State respondents.*
>
> *As prayed on behalf of State respondents and U.P. Public Service Commission, three weeks' time is granted to them to file exhaustive counter affidavits annexing therewith all the relevant communications including letters of the Commission dated 19th May, 2014 and 31st May, 2018 and the letters of State Government dated 5th June, 2018, 10th May, 2018 and 18th May, 2018 and serve a copy of the affidavits upon learned counsel for the appellants appearing in various cases.*
>
> *Learned counsel for the appellants will have one week's time to file rejoinder affidavit.*
>
> *List this matter on 18th September, 2025 at 2:00 pm."*

11. In compliance to the said order, supplementary counter affidavit has been filed both by the State and Commission.

12. Learned counsel for the appellants/ writ petitioners chose not to file any reply to the supplementary counter affidavit filed by the State and the Commission and accordingly final arguments were heard. Written submissions were also filed by the rival parties.

ARGUMENTS OF APPELLANTS/ WRIT PETITIONERS

13. Shri Ashok Khare and Shri Uday Karan Saxena, Senior Advocates, assisted by Shri Umang Shrivastav and Shri Naveen Kumar Sharma, learned counsel for the appellants/writ petitioners, submitted that the judgment and order of the learned Single Judge rejecting the challenge to the decision of the Engineer-in-Chief, Karmik Establishment-II, dated 21-06-2018 is manifestly illegal and cannot be sustained. Elaborating the submission, it is urged that as per requisitions dated 06-07-2012 and 07-11-2013, a total of 640 (267+378) vacancies of Assistant Engineer (Civil) were advertised on 24-12-2013. Once the selection process had commenced, there could not have been reduction of the vacancies of Assistant Engineer (Civil) from 640, as advertised, to 394. It is further contended that though on 01.11.2017, the total vacancies of Assistant Engineer was shown to be 474, however, without any rationale or basis, the same stood further reduced to 394. The submission is that a conscious decision was taken by the State Government while sending the requisition for 640 vacancies, and the said decision could not have been reviewed.

14. Argument is that there is Government Order dated 09.07.2013 which provides that while sending requisition to the UPPSC, future vacancies of three recruitment years should also be included. It was in view of the said G.O. that requisition dated 07.11.2013 was sent, including future vacancies of the recruitment years 2014-15 and 2015-16 also. The Government is bound by the policy decision contained in the G.O.

15. Reliance has been placed on the Division Bench judgement in *Service Bench No. 5195 of 2016 (Kreetarth Mohan vs. State Of U.P. and*

others), decided on 23.03.2018, to contend that the requisition dated 07.11.2013, which included the further vacancies of the years 2014-15 and 2015-16 as well, has already been upheld and the said Division Bench judgment was binding upon the learned Single Judge.

16. It is also contended that though Rule 3(l) of the ***State of Uttar Pradesh Service of Engineers (Irrigation Department Group 'B') Service Rules, 2007*** defines 'year of recruitment' as a period of twelve months commencing on the first day of July of the calendar year and as per Rule 14, the appointing authority has to determine and intimate to the Commission the number of vacancies to be filled during the course of the year of recruitment, however, in view of the Government order dated 09.07.2013, as reiterated on 25.10.2019, the future vacancies which were to arise during the next three years were also to be included.

17. Additionally, it has been argued that it is not something foreign to service jurisprudence to include the anticipated vacancies which would arise in future as the same stands widely accepted and is already provided in Rule 8 of the ***UP Higher Judicial Service Rules, 1975***. It has been contended that as per the counter affidavit of the Commission sworn by the Deputy Secretary, U.P. Public Service Commission, U.P. Lucknow dated 15.09.2014, the decision to limit the recruitment to vacancies upto the recruitment year 2013-14 was taken by a Committee constituted by the Public Service Commission at its own level. It does not have the approval of the State. The contention is that the Commission had no authority under law to reduce the vacancies which were advertised, it being only a recruiting agency. It is also contended that even though the writ petitioners do no possess any indefeasible right for appointment but that does not give license to the respondents to act arbitrarily and once it is estalished that the decision of the respondents to reduce the vacancies is without any rationale, then the Court should come to the rescue of the appellants/ writ petitioners. Further contention is that once the appellants/ writ petitioners got selected, then in view of Office-Memorandum dated 15.11.1999, they are to be given

appointment/joining, the present case not being a case falling under the exceptions stipulated therein.

18. Lastly, it has been submitted that the writ petitioners/ appellants have been discriminated, particularly, when barring the post of Assistant Engineer (Civil) in Irrigation Department, there has been no reduction of the vacancies of Assistant Engineer in other departments which were advertised on 24.12.2013.

19. In order to buttress the said submissions, reliance has been placed upon the judgement in; ***(a) Malik Mazhar Sultan vs. U.P. Public Service Commission and others 2008(17)SCC 703; (b) Malik Mazhar Sultan vs. U.P. Public Service Commission 2009 (17) SCC 24; (c) State of Bihar vs. Secretariat Assistant successful Examinees Union 1986, 1994(1) SCC 126; (d) Neelima Shangla vs. State of Haryana, (1986) 4 SCC 268; (e) Vivek Kaisth vs. State Of Himanchal Pradesh and others 2024 (2) SCC 269 (f) Sankarshan Dass vs. Union Of India, 1991(3) SCC 47; (g) Manoj Kumar vs. Union Of India and others, 2024(3) SCC 563 (h) Vansh vs. Ministry Of Education and others, 2024 SSC OnLine SC 342 (i) Shmita Srivastava vs. State Of Madhya Pradesh and others, 2024 SCC OnLine SC 764; (j) Union Public Service Commission v. Gaurav Dwivedi and Others, 1999 5 SCC 180; (k) Renu and others vs. District and sessions judge, Tis hazari and another (2014) 14 SCC 50; (l) Tej Prakash Pathak and others vs. Rajasthan High court and others 2013 4 SCC 540; (m) Parth Das & Ors v. The State of Tripura & Ors 2025 0 Supreme (SC) 1273;***

ARGUMENT ADVANCED ON BEHALF OF THE STATE

20. Shri Manish Goyal, learned Additional Advocate General assisted by Shri A.K. Goyal and Shri Chandan Kumar, learned Addl. Chief Standing Counsel has submitted that none of the contentions raised have any legs to stand. Submission is that the State being a model employer is to act within the four corners of law, within the ambit of the Rules. According to him, selection for the post of Assistant Engineer (Civil)

stands regulated by ***2007 Rules***. Contention is that Rule 3(l) defines 'year of recruitment' which means a period of twelve months commencing on the first day of July of the calendar year and since the advertisement was published on 24-12-2013, thus, as per Rule 14 of the ***2007 Rules***, the selections could only be conducted for the vacancies up to the recruitment year 2013-14. The anticipated vacancies for the recruitment years 2014-15 and 2015-16 which had been mistakenly requisitioned were rightly excluded on basis of a conscious decision of the State Government dated 21-06-2018, communicated to the Commission on 02.07.2018.

21. Argument is that the reliance placed upon the Government Orders dated 09-07-2013 and 25-10-2019 is misconceived and out of context, particularly, when Government orders cannot amend, alter or supplant the statutory rules. He further submits that the Division Bench judgment in ***Kreetarth Mohan (supra)*** does not lay down any principle of law. The challenge raised against the inclusion of the future vacancy was negated mainly on the ground that the Government Order dated 09-07-2013 was not impugned in the writ petition.

22. In a nutshell, the submission is that in the absence of any challenge raised to the definition of the 'year of recruitment' under Rule 3 (l) and the provision relating to determination of the vacancies on the basis of the 'year of recruitment' as per Rule 14, the plea for inclusion of future vacancies has no merits.

23. It is also submitted on behalf of the State that it is the prerogative of the State, as an employer, to determine the number of vacancies, and to fill or not to fill whole of the vacancies advertised. Argument is also to the extent that the writ petitioners/ appellants do not possess any indefeasible right for being accorded appointment as even otherwise mere selection does not confer any vested right to be appointed. Reliance has been placed upon the judgments in ***(a) Ajith G. Das and others vs. State of Kerala and others 2024 SCC onLine Sc 3820; (b) Union of India***

vs. A. Shainamol (2021) 20 SCC 267; (c) Bihar State Electricity Board vs. Suresh Prasad and others, (2004) 2 SCC 681; (d) State of Haryana vs. Subash Chander Marwaha, (1974) 3 SCC 220; (e) Sant Ram Sharma vs. State Of Rajasthan and others, 1967 SCC OnLine SC 16; (f) A.B. Krishna and Ors. vs. State of Karnataka and Ors., (1998) 3 SCC 495; (g) Parth Das & Ors v. The State of Tripura & Ors, (2025) 0 Supreme (SC) 1273.

ARGUMENT ADVANCED ON BEHALF OF THE COMMISSION

24. Shri Avneesh Tripathi, who appears for the Commission, has adopted the arguments of Shri Manish Goyal, Additional Advocate General. He has nothing to add, except that the selections have been done as per the Rules governing the subject and the appellants/writ petitioners have no legal right to appointment. It is also contended that the Commission, being a recruiting agency, acts upon the directions of the State, which it had followed in the instant case.

RELEVANT STATUTORY PROVISIONS

"The Uttar Pradesh Service of Engineers (Irrigation Department) (Group 'B') Service Rule, 2007

Rule 3 (l) *'Year of recruitment' means a period of twelve months commencing on the first day of July of a calendar year.*

4. Cadre of the Service.- *(1) The strength of the Service and of each category of posts therein shall be such as may be determined by the Government from time to time.*

(2) The strength of the Service and of each category of posts therein shall, until orders varying the same are passed under sub-rule (1), be as given in Appendix "A" Provided that-

(i) the appointing authority may leave unfilled or the Governor may hold in abeyance any vacant post, without thereby entitling any person to compensation; or

(ii) the Governor may create such additional permanent or temporary posts as he may consider proper.

5. Source of Recruitment.- *Recruitment of the posts of Assistant Engineer (Civil or Mechanical) in the Service shall be so arranged that-*

(1) 50 2/3 percent posts in the cadre are filled in by direct recruits selected through the Commission.

(2) 49 1/3 percent posts in the cadre are filled in by promotees through the Commission, which shall consist of-

(a) In Civil Branch-

(i) 47 1/3 percent shall be filled in from amongst substantively appointed Junior Engineers (Civil) who have completed seven years service as such on the first day of the year of recruitment.

(ii) One percent shall be filled in from amongst such substantively appointed Computers (Civil) who possess one of the qualifications mentioned in Appendix "B" or who possess Bachelor's degree in Civil Engineering from a recognised Institution or are Associate Members or the Institution of Engineers (India) (Civil Engineering Branch) and who have completed seven years service as such on the first day of the year of recruitment.

(iii) One percent shall be filled in from amongst such substantively appointed Research Supervisors who possess Bachelor's degree in Civil Engineering from a recognised institution or are Associate Members of the Institution of Engineers (India) (Civil Engineering Branch) and who have completed seven years service as such on the first day of the year of recruitment.

(b) In Mechanical Branch-

49 1/3 percent shall be filled in from amongst such substantively appointed Junior Engineers (Mechanical) who have completed seven years service as such on the first day of the year of recruitment:

Provided that the appointing authority may regulate the recruitment by promotion in any year of recruitment in such manner that the prescribed percentage for promotion is maintained.

Rule 14.- Determination of Vacancies-- *The appointing authority shall determine and intimate to the Commission the number of vacancies to be filled during the course of the year of recruitment as also the number of vacancies to be reserved for candidates belonging to Scheduled Castes, Scheduled Tribes and other categories under rule 6.*

15. Procedure for direct recruitment.- *(1) Applications for permission to appear in the competitive examination shall be invited by the Commission in the form published in the advertisement issued by the Commission.*

(2) No candidate shall be admitted to the examination unless he holds a certificate for admission issued by the Commission.

(3) After the results of the written examination have been received and tabulated, the Commission shall, having regard to the need for securing due representation of the candidates belonging to Scheduled Castes, Scheduled Tribes and others under rule 6, summon for interview, such number of candidates as, on the result of the written examination, have come upto the standard fixed by the Commission in this respect. The marks awarded to each candidate at the interview shall be added to the marks obtained by him in the written examination.

(4) The Commission shall prepare a list of candidates in order of their proficiency, as disclosed by the aggregate of marks obtained by each

candidate at the written examination and interview and recommend such number of candidates as they consider fit for appointment. If two or more candidates obtain equal marks in the aggregate, the name of the candidate obtaining higher marks in the written examination shall be placed higher in the list. If two or more candidates obtain equal marks in the written examination also then in such situation the names of the candidates shall be arranged in accordance with the general policy of the Commission. The Commission shall forward the list to the appointing authority."

Relevant extract of the advertisement dated 24.12.2013

S.no	***Name of Department***	***Name of Post***	***Total vacancies***	***SC of U.P.***	***ST of U.P***	***OBC of U.P.***	***General***	***Branch***
1.	*Irrigation Deptt.*	*Asstt. Engg. (Civil)*	*640*	*134*	*13*	*173*	*320*	*Civil*
2.	*Irrigation Deptt.*	*Asst. Engg. (Mechanical)*	*89*	*03*	*-*	*23*	*63*	*Mechanical*
3.	*Minor Irrigation Deptt.*	*Asst. Engg. (Agriculture)*	*10*	*-*	*-*	*04*	*06*	*Agriculture*
4.	*Minor Irrigation Deptt.*	*Asstt. Engg. (Civil)*	*10*	*2*	*-*	*3*	*5*	*Civil*
5.	*Minor Irrigation Deptt.*	*Asst. Engg. (Mechanical)*	*04*	*-*	*-*	*01*	*03*	*Mechanical*
6.	*Rural Engineering Services Deptt.*	*Asstt. Engg. (Civil)*	*24*	*05*	*-*	*12*	*07*	*Civil*
7.	*Rural Engineering Services Deptt.*	*Asstt. Engg. (Electrical)*	*01*	*-*	*-*	*-*	*01*	*Electrical*
8.	*Land Develeopment and Water Resources Deptt.*	*Bhoomi Sanrakshan Adhikari /Technical Officer*	*08*	*-*	*-*	*03*	*05*	*Agriculture/ Civil*
9.	*Public Works Deptt. (P.W.D.)*	*Asstt. Engg. (Civil)*	*140*	*-*	*03*	*23*	*114*	*Civil*
10.	*Ground Water Deptt.*	*Asstt. Engg. (Civil)*	*06*	*-*	*-*	*-*	*06*	*Civil*
11.	*Ground Water Deptt .*	*Asst. Engg. (Mechanical)*	*04*	*-*	*-*	*-*	*04*	*Mechanical*

Pay Scale: Rs. 15,600/- Rs. 39,100/- (Grade Pay Rs. 5400/- Post-Class II, Gazetted). ***Note***:- *No. of vacancies may increase or decease.*

REQUISITIONS

"सत्य प्रतिलिपि

संख्याः-1552/12-27-सिं-2-3(80)/06

प्रेषक,

नवीन चन्द्र त्रिपाठी

संयुक्त सचिव

उत्तर प्रदेश शासन।

सेवा में,

सचिव,

लोक सेवा आयोग,

उ०प्र०, इलाहाबाद।

सिंचाई अनुभाग-2 लखनऊः दिनांक 06 जुलाई, 2012

विषयः- चयन वर्ष 2011-12 में रिक्त पदों पर सीधी भर्ती के माध्यम से चयन कराये जाने विषयक अधियाचन।

महोदय,

उपर्युक्त विषयक कार्यालय प्रमुख अभियन्ता, सिंचाई विभाग, उ०प्र० लखनऊ के पत्र संख्या-1992/ई-2, दिनांक 15-06-2012 (छायाप्रति संलग्न) का कृपया अवलोकन करने का कष्ट करें।

2- इस सम्बन्ध में मुझे यह कहने का निदेश हुआ है कि चयन वर्ष 2011-12 में 267 रिक्त पद के सापेक्ष 02 प्रतिशत की कटौती करते हुए कुल 262 पदों का अधियाचन (सामान्य वर्ग के लिये 50 प्रतिशत 131 पद, अनुसूचित जाति के लिये 21 प्रतिशत 55 पद, पिछड़ी जाति के लिये 27 प्रतिशत 71 पद, अनुसूचित जनजाति के लिये 02 प्रतिशत 05 पद) को भरे जाने हेतु अधियाचन 02 प्रतियों में सेवा नियमावली सहित संलग्न कर प्रेषित किया जा रहा हैं।

3- अतः अनुरोध हैं कि उक्त रिक्तियों के विरूद्ध चयन कराकर चयनित सहायक अभियन्ताओं की सूची शासन को तत्काल उपलब्ध कराने का कष्ट करें।

संलग्नक- यथोक्त।

भवदीय,

ह० अपठनीय

(नवीन चन्द्र त्रिपाठी)

संयुक्त सचिव

पृष्ठांकन संख्या एवं दिनांक तदैव-

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित-

1. परीक्षा नियंत्रक, लोक सेवा आयोग, उ०प्र०, इलाहाबाद।

2. वरिष्ठ स्टाफ अधिकारी (ई-2), सिंचाई विभाग, उ०प्र०, लखनऊ।

आज्ञा से

ह० अपठनीय

अनुसचिव"

"सत्य प्रतिलिपि

संख्या-2953/12-27-सिं-2-3(80)/06

प्रेषक,

मयूर माहेश्वरी

विशेष सचिव

उत्तर प्रदेश शासन।

सेवा में,

सचिव,

लोक सेवा आयोग,

उ०प्र०, इलाहाबाद।

सिंचाई अनुभाग-2 लखनऊ: दिनांक 07 नवम्बर, 2013

विषय:- चयन वर्ष 2012-13, 2013-14, 2014-15 एवं 2015-16 में सहायक अभियन्ता (सिविल) के रिक्त पदों पर सीधी भर्ती के माध्यम से चयन कराये जाने के सम्बन्ध में अधियाचन।

महोदय,

उपर्युक्त विषयक प्रमुख अभियन्ता कार्यालय, सिंचाई विभाग, उ०प्र० लखनऊ के पत्र संख्या-2239/ई-2, दिनांक 10-07-2012, पत्र संख्या-जी-444/ई-2/सहा०अभि० सीधी भर्ती अधियाचन, दिनांक 23-09-2013 एवं पत्र संचया-जी-393/ई-2/सहा०अभि० सीधी भर्ती दिनांक 30-09-2013 (छायाप्रतियां संलग्न) का कृपया अवलोकन करने का कष्ट करें।

2- चयन वर्ष 2012-13, 2013-14, 2014-15 एवं 2015-16 में सहायक अभियन्ता (सिविल) सिंचाई विभाग के रिक्त पदों का विवरण निम्नवत् हैं:

(क) चयन वर्ष 2012-13 की सीधी भर्ती के माध्यम से रिक्त 123 पदों पर चयन कराये जाने हेतु 02 प्रतिशत कटौती करते हुए कुल रिक्त 121 पदों का संलग्न अधियाचन निम्नानुसार हैं:-

(1) सामान्य वर्ग के लिये 50 प्रतिशत = 61 पद

(2) अनुसूचित जाति के लिये 21 प्रतिशत = 25 पद

(3) अन्य पिछड़ा वर्ग के लिये 27 प्रतिशत = 33 पद

(4) अनुसूचित जनजाति के लिये 02 प्रतिशत = 02 पद

(ख) चयन वर्ष 2013-14 की सीधी भर्ती के माध्यम से रिक्त 88 पदों पर चयन कराये हेतु 02 प्रतिशत कटौती करते हुए कुल रिक्त 86 पदों का संलग्नक अधियाचन निम्नानुसार हैं:-

(1) अनारक्षित पदों की संख्या = 43 पद

(2) अनुसूचित जाति के पदों की संख्या = 18 पद

(3) अनुसूचित जनजाति के पदों की संख्या = 02 पद

(4) अन्य पिछड़ा वर्ग के पदों की संख्या = 23 पद

(ग) चयन वर्ष 2014-15 की सीधी भर्ती के माध्यम से रिक्त 81 पदों पर चयन कराये जाने हेतु 02 प्रतिशत कटौती करते हुए कुल रिक्त 79 पदों का संलग्न अधियाचन निम्नानुसार है:-

(1) अनारक्षित पदों की संख्या = 39 पद

(2) अनुसूचित जाति के पदों की संख्या = 17 पद

(3) अनुसूचित जनजाति के पदों की संख्या = 02 पद

(4) अन्य पिछड़ा वर्ग के पदों की संख्या = 21 पद

(घ) चयन वर्ष 2015-16 की सीधी भर्ती के माध्यम से रिक्त 94 पदों पर चयन कराये जाने हेतु 02 प्रतिशत कटौती करते हुए कुल रिक्त 92 पदों का संलग्न अधियाचन निम्नानुसार हैं:-

(1) अनारक्षित पदों की संख्या = 46 पद

(2) अनुसूचित जाति के पदों की संख्या = 19 पद

(3) अनुसूचित जनजाति के पदों की संख्या = 02 पद

(4) अन्य पिछड़ा वर्ग के पदों की संख्या = 25 पद

3- प्रश्नगत प्रकरण में मुझे यह कहने का निदेश हुआ हैं कि चयन वर्ष 2012-13, 2013-14, 2014-15 एवं 2015-16 के उपरोक्तानुसार कुल रिक्त 378 पदों पर चयन कराकर चयनित सहायक अभियन्ताओं (सिविल) की सूची शासन को यथाशीघ्र उपलब्ध कराने का कष्ट करें।

संलग्नक- यथोक्त।

भवदीय,

ह० अपठनीय

विशेष सचिव

संख्या एवं दिनांक तदैव-

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित-

1. परीक्षा नियंत्रक, लोक सेवा आयोग, उ०प्र०, इलाहाबाद।

2. प्रमुख अभियन्ता एवं विभागाध्यक्ष, सिंचाई विभाग, उ०प्र०, लखनऊ।

आज्ञा से

ह० अपठनीय

उप सचिव"

DEPARTMENTAL LETTERS/ COMMUNICATIONS

"कार्यालय प्रमुख अभियन्ता

(अधिष्ठान-2 अनुभाग)

सिंचाई एवं जल संसाधन विभाग, उत्तर प्रदेश

पत्रांक:जी-737/ई-2/ लखनऊ: दिनांक:1 नवम्बर, 2017

विषय: सीधी भर्ती के सहायक अभियंता (सिविल) को लोक सेवा आयोग को भेजी गयी अधिक रिक्तियों के सम्बन्ध में।

अनु सचिव, सिंचाई एवं जल संसाधन अनुभाग-13, उत्तर प्रदेश शासन, लखनऊ

उपरोक्त विषयक इस कार्यालय के पत्रांक:जी-570/ई-2/अधियाचन, दिनांक 11.09.2017 का अवलोकन करने की कृपा करें, जिसके द्वारा शासकीय पत्र संख्या: 1780/ सत्ताईस-13-2017-2/2016, दिनांक 30.08.17 द्वारा प्राप्त आदेशों के अनुपालन में लोक सेवा आयोग, उ०प्र०, इलाहाबाद को प्रेषित किए गये सीधी भर्ती संवर्ग के सहायक अभियंता (सिविल) के त्रुटिपूर्ण गणना के फलस्वरूप स्वीकृत पदों के सापेक्ष अधिक हो रहे पदों के सम्बन्ध में चयन वर्ष 2016-17 हेतु अधियाचित 69 पदों को विज्ञापित न कराये जाने के सम्बन्ध में अनुरोध करते हुए सीधी भर्ती संवर्ग के सहायक अभियंता (सिविल) के पदों को भरे जाने के सम्बन्ध में

लोक सेवा आयोग द्वारा दिसम्बर 2013 में विज्ञपित 640 पदों के सापेक्ष 478 अभ्यर्थियों का ही चयन कराये जाने के सम्बन्ध में निर्णय लिये जाने का अनुरोध किया गया था।

उक्त के सम्बन्ध में दिनांक 31.10.17 को दूरभाष पर दिये गये निर्देशानुसार सम्मिलित राज्य अभियंत्रण परीक्षा-2011 में लोक सेवा आयोग उत्तर प्रदेश इलाहाबाद द्वारा चयनित 182 अभ्यर्थियों में से शासन स्तर पर निर्गत हुए शासकीय नियुक्ति आदेशों का पुनः परीक्षण करने के उपरान्त अवगत कराना है कि लोक सेवा आयोग द्वारा चयनित 182 अभ्यर्थियों के सापेक्ष कुल 11 शासकीय आदेश के माध्यम से 174 अभ्यर्थियों के नियुक्ति आदेश निर्गत हुए हैं, शेष बचे अभ्यर्थियों की संख्या में संशोधन करते हुए तालिका-2 के पंक्ति-2 में पदों की संख्या 04 के स्थान पर 08 दर्शाते हुए तद्नुसार निम्नानुसार संशोधित सूचना निम्नानुसार है:-

संशोधित तालिका

क्रम सं	*विवरण*	*पदों की संख्या*
1	*वर्तमान में सीधी भर्ती संवर्ग के सहायक अभियंता (सिविल) के कार्यरत/भरे पदों की संख्या*	*305*
2	*चयन वर्ष 2009-10 एवं 2010-11 हेतु अधियाचित पदों से सम्बन्धित सम्मिलित राज्य अभियंत्रण परीक्षा-2011 में लोक सेवा आयोग, उ०प्र० इलाहाबाद द्वारा चयनित 182 अभ्यर्थियों में से शेष बचे अभ्यर्थियों की संख्या (जिनके नियुक्ति आदेश शासन स्तर पर जारी किए जाने हैं)*	*08*
3	*लोक सेवा आयोग, उ०प्र०, इलाहाबाद द्वारा विकलांगजन हेतु (बैकलॉग/विशेष चयन) परीक्षा-2013 में विकलांगजन के विज्ञापित पद*	*17*
4	*उक्त के फलस्वरूप सीधी भर्ती संवर्ग के सहायक अभियंता (सिविल) के भरे पदों की संख्या*	*330*
5	*सिंचाई एवं जल संसाधन विभाग, उ०प्र० में सीधी भर्ती संवर्ग के सहायक अभियंता (सिविल) के स्वीकृत पदों की संख्या*	*804*
6	*सीधी भर्ती संवर्ग के सहायक अभियंता (सिविल) के स्वीकृत पदों के सापेक्ष भरे पदों की स्थिति के अनुसार सहायक अभियंता के वर्तमान में रिक्त पदों की स्थिति (804-330)*	*474*
7	*चयन वर्ष 2011-12 से 2015-16 तक अधियाचित पदों की संख्या जिनके सम्बन्ध में लोक सेवा आयोग, उ०प्र० इलाहाबाद द्वारा चयन सम्बन्धी कार्यवाही प्रगति पर है*	*640*
8	*वर्तमान में सीधी भर्ती संवर्ग के सहायक अभियंता (सिविल) के 474 रिक्त पद उपलब्ध हैं परन्तु चयन वर्ष 2011-12 से 2015-16 तक 640 अधियाचित पद, जिनके सम्बन्ध में लोक सेवा आयोग द्वारा कार्यवाही की जा रही है में पदों के आधिक्य की स्थिति (640-474=166)*	*166*

अतः इस कार्यालय के पत्रांक:जी-570/ई-2, दिनांक 11.09.17 के क्रम में उपरोक्त तालिकानुसार संशोधित सूचना इस अनुरोध के साथ संलग्न कर प्रेषित करने की अपेक्षा हुई है कि कृपया इस कार्यालय के पत्र दिनांक 11.09.17 में उल्लिखित तालिका-2 के स्थान पर उपरोक्त तालिकानुसार पदों की स्थिति को संज्ञान में लेते हुए तद्नुसार अग्रेत्तर कार्यवाही करने की कृपा करें।

(ध्यान सिंह)

मुख्य अभियंता कार्मिक (ई-2)

कृते, प्रमुख अभियन्ता, सिं०एवं ज०सं०वि०"

"प्रेषक*, संख्याः 2113 / सत्ताईस-13-2017-02/2016*

शम्भू नाथ,

सचिव

उ०प्र० शासन।

सेवा में,

सचिव,

लोक सेवा आयोग,

उ०प्र०, इलाहाबाद।

सिंचाई एवं जल संसाधन अनुभाग-13 लखनऊः दिनांक 14 नवम्बर, 2017

विषयः- चयन वर्ष 2011-12, 2012-13, 2013-14, 2014-15 एवं 2015-16 में सहायक अभियन्ता (सिविल) के रिक्त पदों पर सीधी भर्ती के माध्यम से चयन कराये जाने हेतु प्रेषित अधियाचन के संबंध में।

महोदय,

उपर्युक्त विषयक शासन के पत्र संख्या-1552/12-27-सिं-2-3 (80)/06 दिनांक 06. 07.2012 एवं पत्र संख्या-2953/13-27-सिं-2-3(80)/06 दिनांक 07.11.2013 का कृपया संदर्भ ग्रहण करने का कष्ट करें, जिसके माध्यम से क्रमशः सहायक अभियन्ता (सिविल) के सीधी भर्ती के अन्तर्गत चयन वर्ष 2011-12 हेतु 262 पद, चयन वर्ष 2012-13 हेतु 121 पद, चयन वर्ष 2013-14 हेतु 86 पद, चयन वर्ष 2014-15 हेतु 79 पद एवं चयन वर्ष 2015-16 हेतु 92 पद कुल 640 पदों पर चयन हेतु अधियाचन लोक सेवा आयोग, उ०प्र० इलाहावाद को प्रेषित किया गया था, जिसके क्रम में लोक सेवा आयोग, उ०प्र० इलाहाबाद द्वारा सम्मिलित राज्य अभियंत्रण सेवा (सामान्य चयन) परीक्षा, 2013 का दिनांक 24.12.2013 द्वारा विज्ञापित करके चयन की कार्यवाही प्रारम्भ की जा चुकी है।

2. इस संबंध में मुख्य अभियन्ता (ई-2) के पत्र संख्या-जी-570/ई-2/अधियाचन दिनांक 11.09.2017 एवं पत्र संख्या-जी-737/ई-2/ दिनांक 01.11.2017 (छायाप्रति संलग्न) द्वारा उपलब्ध करायी गयी सूचना के अनुसार सहायक अभियन्ता (सिविल) पद पर दोनों संवर्गों के नियुक्ति / पदोन्नति उपरान्त उ०प्र० सरकारी सेवक ज्येष्ठता नियमावली-1991 के नियम-8 के प्राविधानों के तहत एकल वरिष्ठता सूची निर्गत की जाती है, जो प्रमुख अभियन्ता पद (उच्चतम पद) तक पदोन्नति हेतु पोषक संवर्ग के रूप में कार्य करती है। अतः सीधी भर्ती संवर्ग के सहायक अभियन्ताओं के अधियाचित पदों की गणना किये जाने के संबंध में सहायक अभियन्ताओं की एकल वरिष्ठता सूची को विचार में लेते हुये गणना की जानी चाहिए थी, जिससे यह स्थिति स्पष्ट हो पाती कि प्रत्येक चयन वर्ष में उपलब्ध परिणामी रिक्तियों के अनुसार अधिशासी अभियन्ता एवं उससे उच्च पदों पर पदोन्नति उपरान्त सहायक अभियन्ता से अधिशासी अभियन्ता के पद पर पदोन्नति हेतु तैयार पात्रता सूची में कितने सीधी भर्ती संवर्ग के सहायक अभियन्ता पदोन्नत हो जायेंगे, तदनुसार ही अधियाचित पदों को शासन को प्रेषित किया जाना चाहिए था, परन्तु बिना सीधी भर्ती / प्रोन्नत संवर्ग की गणना किये अधियाचन शासन को प्रेषित कर दिया गया, जिसके फलस्वरूप वर्तमान में सीधी भर्ती संवर्ग के कार्यरत सहायक अभियन्ताओं एवं चयन वर्ष 2011-12 से चयन वर्ष 2015-16 तक अधियाचित किये गये 640 पदों को सम्मिलित किये जाने पर सीधी भर्ती संवर्ग के कुल 804

स्वीकृत पदों के सापेक्ष 166 पदों का आधिक्य हो रहा है। इस प्रकार वर्तमान में सहायक अभियन्ता (सिविल) के 474 पद ही रिक्त हैं।

3. अतः इस संबंध में मुझे यह कहने का निदेश हुआ है कि कृपया वर्णित स्थिति के दृष्टिगत शासन के संदर्भित पत्रों के द्वारा चयन वर्ष 2011-12 से 2015-16 तक के लिये सहायक अभियन्ता (सिविल) के 640 पदों पर चयन हेतु प्रेषित अधियाचन के सापेक्ष 474 अभ्यर्थियों का ही चयन करके संस्तुति शासन को उपलब्ध कराने का कष्ट करें।

संलग्नक-यथोपरि। *भवदीय,*

(शम्भू नाथ)

सचिव।"

"कार्यालय प्रमुख अभियंता

(अधिष्ठान-2 अनुभाग)

सिंचाई एवं जल संसाधन विभाग, उत्तर प्रदेश

संख्याः जी-138/ई-2/ लखनऊः दिनांकः 10 मई, 2018

विषयः-सम्मिलित राज्य अभियंत्रण सेवा परीक्षा-2013 में सहायक अभियंता (सिविल) के पद हेतु प्राप्त अधियाचनों में लम्बवत् एवं क्षैतिज आरक्षण-20 स्थिति स्पष्ट किए जाने के सम्बन्ध में।

अनु सचिव, सिचाई एवं जल संसाधन अनुभाग-13, उत्तर प्रदेश शासन लखनऊ।

उपरोक्त विषयक कृपया शासकीय पत्रांकः 200/ सत्ताईस-13-2018-2/2016, दिनांक 30.01.18 का संदर्भ ग्रहण करने की कृपा करें, जिसके द्वारा लोक सेवा आयोग, उत्तर प्रदेश, इलाहाबाद के पत्रांकः 728/03/ई-3/2012-2013, दिनांक 23.01.2018 की प्रति संलग्न करते हुए लोक सेवा आयोग द्वारा विज्ञापित 17 विकलांगजनों के पदों के सम्बन्ध में स्थिति स्पष्ट किए जाने एवं चयन वर्ष 2011-12 से 2015-16 के मध्य वर्षवार रिक्त पदों का विवरण उपलब्ध कराने की वाँक्षना की गयी है।

उल्लेखनीय है कि इस कार्यालय के पत्रांकः जी-570/ई-2, दिनांक 11.09.17 एवं पत्रांकः जी-737 ई-2, दिनांक 01.11.2017 द्वारा सीधी भर्ती संवर्ग के सहायक अभियंता (सिविल) के स्वीकृत 804 पदों के सापेक्ष तत्समय कार्यरत सहायक अभियंताओं की संख्या को दृष्टिगत रखते हुए 166 पदों के आधिक्य की स्थिति को दर्शाते हुए 474 अभ्यर्थियों का ही चयन कराये जाने का अनुरोध शासन से किया गया, जिसमें चयन वर्ष 2016-17 के रिक्त पद भी सम्मिलित थे। तत्क्रम में शासकीय पत्रांकः 2113/सत्ताईस-13 -2017-02/2016, दिनांक 14.11.2017 द्वारा लोक सेवा आयोग, उ०प्र०, इलाहाबाद को पत्र प्रेषित किया गया है।

शासकीय पत्रांकः 200/सत्ताईस-13-2018-2/2016, दिनांक 30.01.2018 द्वारा की गयी वाँक्षनानुसार लोक सेवा आयोग, उ०प्र०, इलाहाबाद को प्रेषित उक्त 474 पदों के सम्बन्ध में निम्न तालिकानुसार चयन वर्ष 2011-12 हेतु 255, चयन वर्ष 2012-13 हेतु 66, चयन वर्ष 2013-14 में 73, चयन वर्ष 2014-15 हेतु 51, चयन वर्ष 2015-16 हेतु 09 तथा चयन वर्ष 2016-17 हेतु 20 पद आगणित हो रहे हैं। इस प्रकार चयन वर्ष 2011-12 से 2015-16 तक (255+66+73+51+09=) कुल 454 पद तथा चयन वर्ष 2016-17 हेतु 20 पद उपलब्ध हैं।

क्रम संख्या	*चयन वर्ष*	*रिक्त पदों की संख्या*	*कुल पद*
1	*2011-12*	*255*	
2	*2012-13*	*66*	

3	*2013-14*	*73*	*454*
4	*2014-15*	*51*	
5	*2015-16*	*09*	
6	*2016-17*	*20*	*20*
	योग		*474*

उक्त तालिकानुसार चयन वर्ष 2011-12 से 2015-16 के मध्य उपलब्ध 454 पदों के सापेक्ष 13 पद विकलांगजन के उपलब्ध हो रहे हैं, जिसकी उपश्रेणी निम्नानुसार है:-

1. दृष्टिबाधित -05 पद

2. श्रवण बाधित -04 पद

3. चल नि:शक्तता -04

लोक सेवा आयोग, उ०प्र०, इलाहाबाद के पत्रांक: 728/03/ई-3/2012-2013, दिनांक 23.01.18 के संदर्भ में उल्लेख करना समीचीन होगा कि वर्तमान में सीधी भर्ती संवर्ग में कोई भी विकलांग सहायक अभियंता (सिविल), विभाग में कार्यरत नहीं है, अत: उक्त स्थिति में विकलांगजन हेतु बैकलॉग, विशेष चयन के अन्तर्गत विज्ञापित 17 विकलांगजन में से 11 विकलांग अभ्यर्थी सहायक अभियंता (सिविल) विभाग को प्राप्त होने पर विकलांगजन का निर्धारित 24 पदों का कोटा पूर्ण हो जायेगा। उक्त 11 पदों की उपश्रेणी निम्नानुसार है:-

1. दृष्टिबाधित -04 पद

2. श्रवण बाधित -04 पद

3. चल नि:शक्तता -03

अत: उपरोक्तानुसार पदों की स्थिति सूचनार्थ एवं अग्रेत्तर आवश्यक कार्यवाही हेतु प्रेषित है।

(संदीप कुमार खरे)

अधिशासी अभियन्ता(ई-2)

कृते प्रमुख अभियन्ता, सिं०एवं ज०सं०वि०"

***"प्रेषक**, संख्या: 792/ सत्ताईस-13-2018-2/2016*

सुधीन्द्र कुमार,

संयुक्त सचिव

उ०प्र० शासन।

सेवा में,

सचिव,

लोक सेवा आयोग,

उत्तर प्रदेश, इलाहाबाद ।

***सिंचाई एवं जल संसाधन अनुभाग-13** लखनऊ: दिनांक 18 मई, 2018*

विषयः- सम्मिलित राज्य अभियंत्रण सेवा परीक्षा, 2013 में सहायक अभियन्ता (सिविल) पद हेतु प्राप्त अधियाचनों में लम्बवत एवं क्षैतिज आरक्षण की स्थिति स्पष्ट किये जाने के संबंध में।

महोदय,

उपर्युक्त विषयक आपके पत्र संख्या-642(1)/03/ई-3/2012-2013 दिनांक 30 जून, 2017 के संदर्भ में अधिशासी अभियन्ता (ई-2), कार्यालय प्रमुख अभियन्ता, सिंचाई एवं जल संसाधन विभाग, उ०प्र० लखनऊ के पत्र संख्या-जी-138/ई-2 दिनांक 10.05.2018 द्वारा उपलब्ध करायी गयी सूचना की छायाप्रति संलग्न कर प्रेषित करते हुये अनुरोध है कि कृपया तदनुसार प्रकरण में आवश्यक कार्यवाही सुनिश्चित कराने का कष्ट करें।

संलग्नकः यथोपरि।

भवदीय,

(सुधीन्द्र कुमार)

संयुक्त सचिव"

"शीर्ष प्राथमिकता/स्पीड पोस्ट/फैक्स/ई-मेल

पत्र सं०-835/03/ई-3/2012-2013

प्रेषक,

जगदीश,

सचिव,

लोक सेवा आयोग, उ०प्र०,

इलाहाबाद ।

सेवा में,

प्रमुख सचिव,

उत्तर प्रदेश शासन,

सिंचाई एवं जल संसाधन अनुभाग-13,

लखनऊ ।

इलाहाबादः दिनांक 31 मई, 2018

विषयः- सम्मिलित राज्य अभियंत्रण सेवा परीक्षा, 2013 में सहायक अभियंता (सिविल) पद हेतु प्राप्त अधियाचनों में लम्बवत् एवं क्षैतिज आरक्षण की स्थिति स्पष्ट किये जाने के सम्बन्ध में ।

महोदय,

उपर्युक्त विषयक शासन के पत्र संख्या-792/सत्ताईस-13-2018-2/2018, दिनांक 18 मई, 2018 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके माध्यम से सम्मिलित राज्य अभियंत्रण सेवा परीक्षा-2013 में सहायक अभियंता (सिविल), सिंचाई विभाग के अन्तर्गत चयन वर्ष-2011-12 से 2016-17 तक के रिक्त होने वाले पदों के सम्बन्ध में अवगत कराया गया है।

2- इस सम्बन्ध में सूच्य है कि आयोग द्वारा शासन से सहायक अभियंता (सिविल), सिंचाई विभाग हेतु प्राप्त अधियाचन के अनुसार प्रश्नगत परीक्षा में चयन वर्ष-2011-12, वर्ष 2012-13 तथा 2013-14 तक के कुल-469 पदों को सम्मिलित कर चयन सम्बन्धी कार्यवाही की जा रही है। तदनुसार सहायक अभियंता (सिविल) के 469 पदों के लम्बवत् व क्षैतिज आरक्षण की स्थिति स्पष्ट करने की अपेक्षा आयोग के पत्र दिनांक 21-05-2015 द्वारा की गयी थी। शासन द्वारा उक्त पत्र का उत्तर पत्र दिनांक 28-09-2015 (संलग्नक-1) के माध्यम से

प्रेषित किया गया, जिसमें लम्बवत् व क्षैतिज आरक्षण की स्थिति स्पष्ट कर दी गयी, किन्तु विकलांगजन हेतु क्षैतिज आरक्षण के अन्तर्गत 14 पदों को अलग से अधियाचित / विज्ञापित विकलांग विशेष चयन के 17 पदों में अन्तर्निहित बताया गया है। उक्त के सम्बन्ध में स्थिति स्पष्ट कराने हेतु आयोग द्वारा पुनः पत्र दिनांक 30-06-2017, शासन को प्रेषित किया गया, जिसके प्रत्युत्तर में शासन का पत्र दिनांक 18-05-2018 प्राप्त हुआ है। उक्त पत्र में चयन वर्ष-2011-12, वर्ष 2012-13 व 2013-14 में क्रमशः 255+66+73=394 रिक्त पद ही बताये गये हैं जो कि पूर्व में बतायी गयी पदों की स्थिति से पूर्णतः भिन्न है। शासन द्वारा उक्त पदों का अलग-अलग लम्बवत् व क्षैतिज आरक्षण भी नहीं बताया गया । अतः आयोग द्वारा उक्त विसंगतियों के सम्बन्ध में स्थिति स्पष्ट करने हेतु यह अपेक्षा की गयी है कि इस पत्र के साथ संलग्न शासन के पत्र दिनांक 28-09-2015 में चयन वर्ष-2011-12 से चयन वर्ष 2013-14 तक के रिक्त कुल-469 पदों के अनुसार चयन की कार्यवाही सम्पन्न की जाय अथवा शासन के पत्र दिनांक 18-05-2018 में बताये गये चयन वर्ष 2011-12 से चयन वर्ष 2013-14 तक रिक्त 394 पदों पर चयन की कार्यवाही की जाय। यदि पत्र दिनांक 18-05-2018 के अनुसार चयन की कार्यवाही होनी हो तो चयन वर्ष 2011-12 से चयन वर्ष 2013-14 तक रिक्त 394 पदों की लम्बवत् व क्षैतिज आरक्षण की स्थिति स्पष्ट कर आयोग को शीघ्र सूचित किया जाना आवश्यक है।

3- उल्लेखनीय है कि शासन के पत्र सं०-1328/12-27-सिं-2-3(33)/12 दिनांक 28-05-2012 के माध्यम से विकलांग बैकलाग हेतु सहायक अभियंता (सिविल), सिंचाई विभाग के 17 पदों का अधियाचन प्राप्त हुआ था, जिसके आधार पर आयोग द्वारा उक्त पदों पर विज्ञापन की कार्यवाही की गयी है। सूच्य है कि शासन के पत्र दिनांक 28-09-2015 में चयन वर्ष-2011-12 से चयन वर्ष 2013-14 तक के रिक्त 469 पदों में क्षैतिज आरक्षण के अन्तर्गत बताये गये 14 विकलांगजन के पदों को उक्त विशेष चयन हेतु विज्ञापित 17 पदों में अन्तर्निहित बताया गया है। इससे यह प्रतीत हो रहा है कि विकलांग / विशेष चयन के अन्तर्गत अलग से विज्ञापित 17 पद रिक्त नहीं है। अतः शासन द्वारा प्रेषित प्रश्नगत पद हेतु अलग से 17 विकलांग पदों के सम्बन्ध में स्थिति स्पष्ट करते हुए यदि विशेष चयन / विकलांग बैकलांग हेतु विज्ञापित 17 पदों या जिन विकलांग बैकलांग पदों पर चयन की कार्यवाही सम्पन्न की जानी हो तो उन पदों की उपश्रेणी के अनुसार चिन्हांकन कर स्थिति स्पष्ट किया जाना आवश्यक है। अतः अनुरोध है कि उपरोक्त प्रस्तर-2 एवं 3 में की गयी पृच्छा के सम्बन्ध में वांछित सूचना यथाशीघ्र उपलब्ध कराने का कष्ट करें, जिससे चयन की कार्यवाही शीघ्र पूर्ण की जा सके।

संलग्नक- यथोक्त।

भवदीय,

(जगदीश)

सचिव ।"

"शीर्ष प्राथमिकता / समयबद्ध

संख्या-982/सत्ताईस-13-2018-2/2016

प्रेषक,

सुधीन्द्र कुमार,

संयुक्त सचिव,

उत्तर प्रदेश शासन।

सेवा में,

प्रमुख अभियन्ता एवं विभागाध्यक्ष,

सिंचाई एवं जल संसाधन विभाग,

उ०प्र०, लखनऊ।

<u>सिंचाई एवं जल संसाधन अनुभाग-13 लखनऊः दिनांकः 05 जून, 2018</u>

विषयः सम्मिलित राज्य अभियन्त्रण सेवा परीक्षा 2013 में सहायक अभियन्ता (सिविल) पद हेतु प्राप्त अधियाचनों में लम्बवत् एवं क्षैतिज आरक्षण की स्थिति स्पष्ट किये जाने के संबंध में।

महोदय,

उपर्युक्त विषयक अधिशासी अभियन्ता (ई-2), कार्यालय कार्यालय प्रमुख अभियन्ता, सिंचाई एवं जल संसाधन विभाग, उ०प्र० लखनऊ के पत्र संख्या-जी-138/ई-2 दिनांक 10.05.2018 के क्रम में सचिव, लोक सेवा आयोग, उ०प्र०, इलाहाबाद के पत्र संख्या-835/03/ई-3/2012-2013 दिनांक 31.05.2018 (छायाप्रति संलग्न) का कृपया संदर्भ ग्रहण करने का कष्ट करें, जिसके माध्यम से सम्मिलित राज्य अभियन्त्रण सेवा परीक्षा 2013 में सहायक अभियन्ता (सिविल) पद हेतु प्राप्त अधियाचनों में लम्बवत् एवं क्षैतिज आरक्षण की स्थिति स्पष्ट किये जाने की अपेक्षा की गयी है।

2. अतः इस संबंध में मुझे यह कहने का निदेश हुआ है कि कृपया संलग्न पत्र में की गयी अपेक्षा के अनुक्रम में स्थिति स्पष्ट करते हुये अपनी आख्या स्पष्ट संस्तुति सहित शासन को 03 दिन के अन्दर निश्चित रूप से उपलब्ध कराने का कष्ट करें, ताकि स्थिति से लोक सेवा आयोग, उ०प्र०, इलाहाबाद को अवगत कराया जा सके।

संलग्नकः यथोपरि।

भवदीय

(सुधीन्द्र कुमार)

संयुक्त सचिव।"

"कार्यालय प्रमुख अभियंता

(अधिष्ठान-2 अनुभाग)

सिंचाई एवं जल संसाधन विभाग, उत्तर प्रदेश

संख्याः जी-411/ई-2/*लखनऊः दिनांकः 21 जून, 2018*

विषयः-सम्मिलित राज्य अभियंत्रण सेवा परीक्षा-2013 में सहायक अभियंता (सिविल) के पद हेतु प्राप्त अधियाचनों में लम्बवत् एवं क्षैतिज आरक्षण की स्थिति स्पष्ट किए जाने के सम्बन्ध है।

<u>अनु सचिव, सिचाई एवं जल संसाधन अनुभाग-13, उत्तर प्रदेश शासन लखनऊ।</u>

<u>उपरोक्त विषयक कृपया शासकीय पत्रांकः 902/सत्ताईस-13-2018-2/2016, दिनांक 05.06.2018 का संदर्भ ग्रहण करने की कृपा करें, जिसके द्वारा लोक सेवा आयोग, उत्तर प्रदेश इलाहाबाद के पत्रांक 835/03/ई-3/2012-2013, दिनांक 31.05.2018 की प्रति संलग्न करते हुए पत्र में उल्लिखित प्रस्तर-2 एवं प्रस्तर-3 में की गयी पृच्छा के सम्बन्ध में अपनी स्पष्ट आख्या उपलब्ध कराते हुए सम्मिलित राज्य अभियंत्रण परीक्षा-2013 में सहायक अभियंता (सिविल) पद हेतु प्राप्त चयन वर्ष 2011-12 से 2013-14 तक अधियाचित 394 पदों के सम्बन्ध में लम्बवत् एवं क्षैतिज आरक्षण की स्थिति स्पष्ट किए जाने की वाँक्षना की है।</u>

<u>उक्त के सम्बन्ध में शासकीय पत्र दिनांक 05.06.18 द्वारा दिये गये निर्देशों के अनुपालन में सचिव, लोक सेवा आयोग, उ०प्र०, इलाहाबाद के पत्र दिनांक 31.05.18 के प्रस्तर-2 के</u>

सम्बन्ध में स्पष्ट करना है कि इस कार्यालय के पत्रांक:जी-138/ई-2, दिनांक 10.05.18 के क्रम में प्रेषित शासकीय पत्रांक: 792/सत्ताईस-13-2018-2/2018, दिनांक 18.05.2018 के अनुसार चयन वर्ष 2011-12, 2012-13 एवं 2013-14 तक अधियाचित क्रमश: (255+66+73) पद कुल 394 पदों के अनुसार की कार्यवाही किया जाना उपयुक्त होगा। उक्त अधियाचित 394 पदों का समेकित रूप से लम्बवत् एवं क्षैतिज आरक्षण के अनुसार अनारक्षित/आरक्षित पदों का विवरण निम्न तालिकानुसार होगा:-

चयन वर्ष 2011-12 से 2013-14 तक सहायक अभियंता (सिविल) सीधी भर्ती के 394 अधियाचित पदों का लम्बवत् आरक्षण		**चयन वर्ष 2011-12 से 2013-14 तक सहायक अभियंता (सिविल) सीधी भर्ती के 394 अधियाचित पदों का क्षैतिज आरक्षण**		**अभ्युक्ति**
सामान्य/अनारक्षित	197	-		
पिछड़ा वर्ग	106	-		
अनुसूचित जाति	83	-		
अनुसूचित जनजाति	08	-		
स्वतंत्रता संग्राम सेनानी के आश्रितों हेतु (02 प्रतिशत)	-	स्वतंत्रता संग्राम सेनानी के आश्रितों हेतु (02 प्रतिशत)	07	
विकलांग अभ्यर्थियों के लिए (03 प्रतिशत)	-	विकलांग अभ्यर्थियों के लिए (03 प्रतिशत)	11	
	-	दृष्टिहीनता (पी०बी०)	04	
		श्रवण हास (पी०डी०)	04	
		चल क्रिया सम्बन्धी नि:शक्तता (ओ०एल०/ओ०ए०)	03	
भूतपूर्व सैनिकों के लिए (05 प्रतिशत)	-	भूतपूर्व सैनिकों के लिए (05 प्रतिशत)	लागू नहीं	-
उत्तर प्रदेश की महिलाओं हेतु (20 प्रतिशत)	-	उत्तर प्रदेश की महिलाओं हेतु (20 प्रतिशत)	78	शासनादेश संख्या:18/1/99-का-2/99 दिनांक

				30.08.99 द्वारा महिलाओं के लिये 20 प्रतिशत आरक्षण का प्राविधान है, तद्नुसार क्षैतिज आरक्षण करते हुए उपयुक्त अभ्यर्थियों का चयन किया जाए। यदि उपयुक्त महिला अभ्यर्थी उपलब्ध नहीं है तो यह पद पुरुष अभ्यर्थी से भरे जायेंगे।

उक्त के अतिरिक्त सचिव, लोक सेवा आयोग, उ०प्र०, इलाहाबाद के पत्र दिनांक 31.05.18 के प्रस्तर-3 के सम्बन्ध में उल्लिखित करना है कि सिंचाई विभाग, उ०प्र० में सीधी भर्ती संवर्ग के सहायक अभियंता (सिविल) के कुल 804 पद स्वीकृत हैं जिसके सापेक्ष विकलांगजन के कुल 24 पद आरक्षित संवर्ग में आगणित होते हैं। गत पृष्ठ पर अंकित तालिकानुसार चयन वर्ष 2011-12 से 2013-14 तक विज्ञापित पदों के सापेक्ष क्षैतिज आरक्षण के अन्तर्गत विकलांगजन के कुल 11 पद आगणित हो रहे हैं। वर्तमान में सीधी भर्ती संवर्ग के अन्तर्गत कोई भी विकलांग संवर्ग का सहायक अभियंता (सिविल) कार्यरत नहीं है अतः सम्मिलित राज्य अभियंत्रण सेवा विकलांगजन हेतु (बैकलॉग/विशेष चयन) परीक्षा-2013 के अन्तर्गत विज्ञापित 17 पदों में से यदि 13 विकलांग अभ्यर्थी सहायक अभियंता (सिविल) के रूप में विभाग को प्राप्त हो जाते हैं तो स्वीकृत पदों के सापेक्ष विकलांगजन का निर्धारित 24 पदों का कोटा पूर्ण हो जायेगा। ऐसी स्थिति में विशेष चयन के अन्तर्गत विज्ञापित 17 पदों में से सहायक अभियंता (सिविल) के 13 पदों पर चयन किया जाना उपयुक्त होगा जिनकी उपश्रेणी निम्न तालिकानुसार होगी:-

दृष्टिबाधित (पी०बी)	***श्रवण बाधित (पी०डी)***	***चलन निःशक्तता (ओ०एल०/ओ०ए०***
5	***4***	***4***

अतः उपरोक्तानुसार पदों की स्थिति सूचनार्थ एवं अग्रेत्तर आवश्यक कार्यवाही हेतु प्रेषित है।

(दिनेश्वर शुक्ला)

मुख्य अभियंता कार्मिक (ई-2)

कृते प्रमुख अभियन्ता, सिं० एवं ज०सं०वि०"

***"प्रेषक**, संख्याः 986/ सत्ताईस-13-2018-2/2018*

सुधीन्द्र कुमार,

संयुक्त सचिव

उ०प्र० शासन।

सेवा में,

सचिव,

लोक सेवा आयोग,

उत्तर प्रदेश, इलाहाबाद।

सिंचाई एवं जल संसाधन अनुभाग-13 लखनऊः दिनांक 02 जुलाई 2018

विषयः- सम्मिलित राज्य अभियंत्रण सेवा परीक्षा 2013 में सहायक अभियन्ता (सिविल) पद हेतु प्राप्त अधियाचनों में लम्बवत एवं क्षैतिज आरक्षण की स्थिति स्पष्ट किये जाने के संबंध में।

महोदय,

उपर्युक्त विषयक आपके पत्र संख्या 835/03/ई-3/2012-2013 दिनांक 31 मई 2018 के संदर्भ में मुख्य अभियन्ता, कार्मिक (ई-2), कार्यालय प्रमुख अभियन्ता, सिंचाई एवं जल संसाधन विभाग, उ०प्र० लखनऊ के पत्र संख्या-जी-411/ई-2 दिनांक 21 जून, 2018 द्वारा उपलब्ध करायी गयी सूचना की छायाप्रति संलग्न कर प्रेषित करते हुये अनुरोध है कि कृपया तदनुसार प्रकरण में आवश्यक कार्यवाही कराने का कष्ट करें।

संलग्नकः यथोपरि।

भवदीय,

(सुधीन्द्र कुमार)

संयुक्त सचिव"

GOVERNMENT ORDERS

संख्या-15/20/95-का-4-2013

प्रेषक,

राजीव कुमार,
प्रमुख सचिव,
उत्तर प्रदेश शासन।

सेवा में,

1. समस्त प्रमुख सचिव/सचिव,
उत्तर प्रदेश शासन।
2. समस्त विभागाध्यक्ष/प्रमुख कार्यालयाध्यक्ष,
उत्तर प्रदेश।

कार्मिक अनुभाग-4 *लखनऊः दिनांक 09 जुलाई 2013*

विषयः- लोक सेवा आयोग, उत्तर प्रदेश को समय से अधियाचन प्रेषित किया जाना।

महोदय,

उपर्युक्त विषयक, समसंख्यक शासनादेश दिनांक 30.09.1991, दिनांक 2.1.1996, दिनांक 27.05.1997, दिनांक 9.08.2007, दिनांक 29.12.2008, दिनांक 05.10.2009, दिनांक 23.11.2009, दिनांक 28.10.2010, दिनांक 3.10.2011, दिनांक 14.03.2012 एवं दिनांक 18.09.2012 के द्वारा आपसे यह अनुरोध किया गया है कि समय से चयन की कार्यवाही

सुनिश्चित करने हेतु, सम्पूर्ण सूचनाओं का समावेश करते हुए, संबंधित पदों के अधियाचन 02 वर्ष पूर्व लोक सेवा आयोग को प्रेषित कर दिये जायें।

2. लोक सेवा आयोग, उत्तर प्रदेश द्वारा अवगत कराया गया है कि उपर्युक्त संदर्भित शासनादेशों में दिये गये सुस्पष्ट प्राविधानों निर्देशों के बावजूद विभागों द्वारा आयोग को समय से अधियाचन उपलब्ध नहीं कराये जा रहे हैं, जिससे चयन सम्पन्न कराने में विलम्ब हो रहा है।

3. लोक सेवा आयोग, उत्तर प्रदेश द्वारा उपलब्ध कराये गये सीधी भर्ती एवं पदोन्नति के अधियाचनों के नवीन प्रारूप संलग्न करते हुए, आपसे निम्नवत अनुरोध करने का मुझे पुनः निदेश हुआ है:-

(1) <u>आगामी 03 वर्षों में घटित होने वाली रिक्तियों की गणना सुनिश्चित करते हुए, सम्मिलित राज्य/प्रवर अधीनस्थ सेवा परीक्षा सहित अन्य समस्त परीक्षाओं/चयनों के अधियाचन नवीन प्रारूपों पर, तत्काल लोक सेवा आयोग को प्रेषित करने का कष्ट करें। भविष्य में भी समस्त पदों के अधियाचन 03 वर्ष पूर्व लोक सेवा आयोग को उपलब्ध करा दिये जाए।</u>

(2) प्रेषित किये जाने वाले अधियाचनों में समस्त सूचनाओं का समावेश करते हुए, सेवा नियमावली की प्रति (हिन्दी/अंग्रेजी) भी लोक सेवा आयोग को प्रेषित करने का कष्ट करें।

(3) अधियाचन प्रेषित किये जाते समय समसंख्यक शासनादेश दिनांक 09.08.2007 के प्राविधानों का विशेष रूप से ध्यान रखा जाए तथा लम्बवत एवं क्षैतिज आरक्षण की स्थिति भी स्पष्ट की जाए। यदि विकलांग हेतु क्षैतिज आरक्षण के अन्तर्गत कोई रिक्ति आरक्षित की जानी हो, तो शासनादेश दिनांक 13.01.2011 के अनुसार स्पष्ट चिन्हांकन/विकलांगता का उल्लेख करते हुए, कार्मिक विभाग के शासनादेश दिनांक 03.02.2008 के प्रस्तर-24 के अनुसार प्रमाण-पत्र भी प्रेषित करने का कष्ट करें।

(4) विभिन्न चयनों एवं परीक्षाओं के अधियाचनों के संबंध में आयोग द्वारा की जाने वाली पृच्छाओं/संविक्षाओं का उत्तर समयबद्ध रूप से आयोग को उपलब्ध कराने का कष्ट करें।

4. कृपया उपर्युक्त निर्देशों का कड़ाई से अनुपालन सुनिश्चित करते हुए नवीन अधियाचन प्रारूपों पर सीधीभर्ती/पदोन्नति के पदों के अधियाचन यथाशीघ्र लोक सेवा आयोग को प्रेषित करने का कष्ट करें।

<u>संलग्नक:-यथोपरि।</u>

भवदीय
(राजीव कुमार)
प्रमुख सचिव

<u>संख्या-15/20/95(1)-का-4-2013, तद्दिनांक।</u>

प्रतिलिपि, सचिव, लोक सेवा आयोग, उत्तर प्रदेश, इलाहाबाद को उनके पत्र संख्या-117/8/मिस/एस-10/2012-13, दिनांक 07.05.2013 के संदर्भ में सूचनार्थ प्रेषित।

आज्ञा से

(राजीव कुमार)
प्रमुख सचिव

"प्रेषक,

मुकुल सिंहल,

अपर मुख्य सचिव,

उत्तर प्रदेश शासन।

सेवा में,

1. समस्त अपर मुख्य सचिव/ प्रमुख सचिव। सचिव,

उत्तर प्रदेश शासन।

2. समस्त विभागाध्याक्ष/प्रमुख कार्यालयाध्यक्ष,

उत्तर प्रदेश।

कार्मिक अनुभाग- 4 लखनऊ: दिनांक: 25 अक्टूबर, 2019

विषय: लोक सेवा आयोग, उत्तर प्रदेश को समय से अधियाचन प्रेषित किया जाना।

महोदय,

उपर्युक्त विषयक समसंख्यक शासनादेश दिनांक 30.09.1991, 02.01.1996, 27.05.1999, 09.08.2007, 29.12.2008, 05.10.2009, 23.11.2009, 28.10.2010, 03.10.2011, 14.03.2012, 18.09.2012, 09.07.2013, 23.10.2013, एवं 01.10.2014, के द्वारा आपसे यह अनुरोध किया गया है कि समय से चयन की कार्यवाही सुनिश्चित करने हेतु, सम्पूर्ण सूचनाओं का समावेश करते हुए, संबंधित पदों के अधियाचन 03 वर्ष पूर्व लोक सेवा आयोग को प्रेषित कर दिये जायें।

2- उपर्युक्त के दृष्टिगत, आपसे निम्नवत् अनुरोध करने का मुझे पुन: निदेश हुआ है-

(1) कार्मिक अनुभाग-4 द्वारा निर्गत किये गये शासनादेश संख्या-15/5/2017-का-2017, दिनांक 29 नवम्बर, 2017 एवं समसंख्यक पत्र दिनांक 12 नवम्बर, 2018 के अनुसार निर्देशों का अनुपालन पूर्ण रूप से सुनिश्चित किया जाये।

(2) <u>शासनादेश दिनांक 09.07.2013 में अंकित प्राविधानों के अधीन आगामी 03 वर्षों में घटित होने वाली रिक्तियों की गणना सुनिश्चित करते हुए, सम्मिलित राज्य प्रवर अधीनस्थ सेवा परीक्षा सहित अन्य समस्त परीक्षाओं/चयनों के सीधी भर्ती के अधियाचन के संबंध में निर्धारित प्रारूप को अद्यावधिक करते संलग्नक के अनुसार परिवर्तित किया जा रहा है। कृपया नवीन प्रारूप पर, अधियाचन लोक सेवा आयोग को ससमय प्रेषित करने का कष्ट करें।</u>

(3) प्रेषित किये जाने वाले अधियाचनों में डी. एफ. एफ., भूतपूर्व सैनिक विकलांगजन, तथा महिलाओं के आरक्षण की स्थिति स्पष्ट करते हुए शासनादेश संख्या सं0-35/65-03-11-78/99, दिनांक 13.01.2011 के अनुसार विकलांगजन हेतु स्पष्ट चिन्हांकन तथा विकलांगता के प्रकार के साथ-साथ आर्थिक रूप से कमजोर वर्गों के लिये अधिकतम 10 प्रतिशत आरक्षण प्रदान करने के संबंध में कार्मिक अनुभाग-2 के शासनादेश संख्या-1/2019/4/1/2002/का-2/19 टी0 सी0-II, दिनांक 18.02.2019 एवं शासनादेश संख्या-3/2019/4/1/2002/का-2019 टी0 सी0-11, दिनांक 14.03.2019 का भी स्पष्ट उल्लेख किया जाय। उक्त के साथ संबंधित पद की सेवा नियमावली की प्रति (हिन्दी/अंग्रेजी) भी लोक सेवा आयोग को अनिवार्य रूप से प्रेषित की जाए।

3- कृपया उपर्युक्त निर्देशों का कड़ाई से अनुपालन सुनिश्चित करने का कष्ट करें।

भवदीय,

मुकुल सिंहल,

अपर मुख्य सचिव"

OFFICE ORDER

"सत्य प्रतिलिपि

उत्तर प्रदेश शासन

कार्मिक अनुभाग-4

संख्या-28/5/80-का-4-1999

लखनऊः दिनांकः 15 नवम्बर, 1999

कार्यालय-ज्ञाप

लोक सेवा आयोग, उ० प्र० द्वारा आयोजित प्रतियोगितात्मक परीक्षाओं तथा अन्य चयनों के आधार पर चयनित अभ्यर्थियों को नियुक्ति प्रदान करने एवं प्रतीक्षा सूची से नाम मांगने सम्बन्धी, पूर्व में निर्गत शासनादेशों के अनुपालन में आने वाली कठिनाईयों को ध्यान में रखते हुए, शासन द्वारा यह निर्णय लिया गया हैं, कि एकल संवर्गों के पदों को छोड़कर, अन्य समस्त सम्मिलित सेवाओं एवं अन्य चयनों में प्रतीक्षा सूची का निर्माण नहीं किया जायेगा और न ही किसी प्रकार की रिशफलिंग की कार्यवाही की जायेगी।

2-उपर्युक्त के सम्बन्ध में पूर्व में निर्गत समस्त शासनादेशों को अवक्रमित करते हुए, शासन द्वारा लिये गये अन्य महत्वपूर्ण निर्णय निम्नवत् हैं :-

(1) किसी चयन वर्ष विशेष में घटित होने वाली रिक्तियों को सही गणना सुनिश्चित करने के उपरान्त ही आयोग को अधियाचन भेजा जाय। अधियाचन भेजे जाने के उपरान्त यथासम्भव रिक्तियों में कोई परिवर्तन न किया जाय।

(2) चयनित अभ्यर्थियों की संस्तुतियाँ प्राप्त होने के उपरान्त उन्हें कार्यभार अवश्य ग्रहण कराया जाय, सिवाय उन मामलों के जहां सम्बन्धित विभाग/संस्था/संगठन को पूर्णरूप से समाप्त कर दिया गया हो अथवा किसी न्यायालय द्वारा कोई अन्यथा आदेश दिये गये हों।

(3) सम्बन्धित विभागों द्वारा संस्तुतियां / आवंटन प्राप्त होने के तीन माह के अन्दर नियुक्ति आदेश जारी करना सुनिश्चित किया जाय तथा अभ्यर्थी को प्रथमतः कार्यभार ग्रहण करने हेतु एक माह का समय प्रदान किया जाय, जिसे अपरिहार्य परिस्थितियों में एक माह तक और बढ़ाने पर विचार किया जा सकता हैं।

(4) चयनित अभ्यर्थियों के चरित्र सत्यापन एवं स्वास्थ्य परीक्षण कराने के उपरान्त ही नियुक्ति पत्र जारी किए जायें।

(5)निर्धारित अवधि में कार्यभार ग्रहण न करने वाले अभ्यर्थियों के अभ्यर्थन निरस्त करते हुए, घटित रिक्तियों को आगामी चयन वर्ष हेतु अग्रेनीत कर दिया जाय।

(6) चयन सूची का उपयोग उसी चयन वर्ष की रिक्तियों के विरूद्ध किया जाय, जिसके लिए अधियाचन भेजा गया हो / चयन किया गया हो।

3-उपर्युक्त आदेश तत्काल प्रभाव से प्रभावी होंगे।

4-उपर्युक्त आदेशों का प्रत्येक स्तर पर कड़ाई से अनुपालन सुनिश्चित किया जाय।

ह० अपठनीय

सचिव

संख्या-28/5/80 (1) का-4-1999, तद्दिनांक।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1- समस्त प्रमुख सचिव / सचिव, उत्तर प्रदेश शासन।

2-सचिव, लोक सेवा आयोग, उ०प्र०, इलाहाबाद।

3-समस्त विभागाध्यक्ष/प्रमुख कार्यालयाध्यक्ष, उत्तर प्रदेश।

4-समस्त मण्डलायुक्त/जिलाधिकारी, उत्तर प्रदेश।

5-सविचालय के समस्त अनुभाग।

6-सचिव, विधान परिषद् / विधान सभा, उत्तर प्रदेश।

आज्ञा से

ह० अपठनीय

विशेष सचिव"

"सत्य प्रतिलिपि

उत्तर प्रदेश शासन

कार्मिक अनुभाग-4

संख्या-28/5/80-का-4-2014

लखनऊः दिनांकः 26 मार्च, 2014

कार्यालय-ज्ञाप

समसंख्यक कार्यालय ज्ञाप दिनांक 15.11.1999 के द्वारा यह निर्देश निर्गत किये गये हैं कि लोक सेवा आयोग, उत्तर प्रदेश द्वारा आयोजित की जाने वाली प्रतियोगितात्मक परीक्षाओं तथा अन्य चयनों के आधार पर चयनित अभ्यर्थियों के कार्यभार ग्रहण न करने पर, एकल पदीय संवगों को छोड़ते हुए, अन्य संवर्गों में प्रतीक्षा सूची अथवा रिशफलिंग की कार्यवाही न की जाय।

2. शासन के समक्ष आने वाली कठिनाइयों के दृष्टिगत, अधोहस्ताक्षरी को यह कहने का निदेश हुआ है, कि सम्यक् विचारोपरान्त कार्यालय ज्ञाप दिनांक 15.11.1999 के प्रस्तर-2(2) को निम्नवत् प्रतिस्थापित किये जाने की राज्यपाल महोदय सहर्ष स्वीकृति प्रदान करते हैं:-

2(2)- चयनित अभ्यर्थियों की संस्तुतियां प्राप्त होने के उपरान्त उन्हें कार्यभार अवश्य ग्रहण कराया जाय किन्तु जहां संबंधित विभाग/संस्था/संगठन को पूर्ण रूप से समाप्त कर दिया गया हो अथवा किसी मा. न्यायालय द्वारा कोई अन्यथा आदेश पारित किया गया हो अथवा त्रुटिपूर्ण अधियाचन प्रेषित किये जाने/अधियाचन में अंकित पदों के उपलब्ध न होने पर चयनित अभ्यर्थियों को कार्यभार ग्रहण कराया जाना अनिवार्य नहीं होगा।

3. इस कार्यालय ज्ञाप के प्राविधान ऐसे चयनों में भी प्रभावी होंगे, जिनसे संबंधित संस्तुतियां आयोग द्वारा संबंधित विभागों को उपलब्ध करायी जा चुकी हैं।

4. कृपया उपर्युक्त निर्देशों का प्रत्येक स्तर पर कड़ाई से अनुपालन सुनिश्चित करने का कष्ट करें।

ह० अपठनीय

प्रमुख सचिव

संख्या-28/5/80 (1)-का-4-2014, तद्दिनांक।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1-समस्त प्रमुख सचिव/सचिव, उत्तर प्रदेश शासन।

2-सचिव, लोक सेवा आयोग, उत्तर प्रदेश, इलाहाबाद।

3-समस्त विभागाध्यक्ष / प्रमुख कार्यालयाध्यक्ष, उत्तर प्रदेश।

4- प्रमुख सचिव, विधान परिषद/विधान सभा, उत्तर प्रदेश।

5- सविचालय के समस्त अनुभाग।

आज्ञा से.

ह० अपठनीय

विशेष सचिव"

Copy of the English Translation of the above documents is Addendum-I

ANALYSIS

25. The selection to the post of Assistant Engineer is regulated by the ***2007 Rules*** enacted in exercise of the powers conferred by the proviso to Article 309 of the Constitution of India. These Rules were notified on 16.11.2007.

26. Rule 3(l) defines 'year of recruitment' which means a period of twelve months commencing on the first day of July of the calendar year.

27. Rule 4 provides for the cadre of service, according to which, the strength of service of each and every category of post shall be such as determined by the State from time to time. Clause (a) of the proviso to sub-rule (2) of Rule 4 gives powers to the appointing authority to leave unfilled or hold in abeyance any vacant post, without thereby entitling any person to compensation.

28. Rule 5 provides for source of recruitment i.e. 50 2/3 percent posts are to be filled in by direct recruitment and 49 1/3% posts through promotion.

29. Rule 14 deals with the determination of the vacancies, according to which, the appointing authority is to determine and intimate to the Commission the number of vacancies to be filled during the course of

the year of recruitment. Rule 15 lays down the procedure for direct recruitment.

30. A plain reading of the Rules shows that the appointing authority is enjoined with the duty (i) to determine the number of vacancies and (ii) intimate to the Commission, the number of the vacancies to be filled during the course of the year of recruitment. The word employed in Rule 14, 'year of recruitment', marks significance, particularly, when the same stands defined under Rule 3(l) as a period of twelve months commencing on the first day of July of a calendar year. Meaning thereby, that the determination of the vacancies is to be made on the basis of year of recruitment i.e. twelve months commencing on the first day of July of the calendar year. Earlier, the service of Engineers of the Irrigation Department (Group 'B') was regulated by the Uttar Pradesh Service of Engineers (Irrigation Department) (Group 'B') Service Rules, 1993. Under Rule 3(j) of the said Rules, 'year of recruitment' was defined in a similar manner. Under Rule 14 of the said Rules also, there was provision for determination of the vacancies to be filled up and for intimation of the same to the Commission. Rule 14 of the earlier Rules was as follows:

> "**14. Date of Determination of Vacancies.—** The appointing authority shall determine and intimate to the Commission the number of vacancies to be filled during the course of the year as also the number of vacancies to be reserved for a candidate belonging to Scheduled Castes, Scheduled Tribes and other categories under Rule 6."
>
> (emphasis supplied)

31. It is noteworthy that earlier the phrase 'year of recruitment' was not used in Rule 14 but only the word 'year'. In Rule 14 of the present Rules, 2007, there is a clear departure in the language used. Now, the phrase 'year of recruitment' has been employed. It clearly evinces that determination of vacancies has direct co-relation with the vacancies

occurring during the course of the year of recruitment and which alone would be intimated to the Commission for being filled.

32. The advertisement was issued on 24.12.2013, therefore, bearing in mind the rule in question, 'the year of recruitment' was the period between 01st July, 2013 and 30th June 2014 i.e. recruitment year 2013-14. Thus the vacancies till the recruitment year 2013-14 only could have been advertised. However, the requisition dated 07.11.2013 sent by the State to the Commission was not only for the vacancies upto the recruitment year 2013-14 but also included the future vacancies of the recruitment years 2014-15 and 2015-16, which apparently was not in consonance with the Rules.

33. This leads us to contention made on behalf of the candidates that the requisition dated 07.11.2013 sent by the State including therein the future vacancies of 2014-15 and 2015-16 was in terms of the Government Order dated 09.07.2013, reiterated by Government Order dated 25.10.2019. The contention is that Rule 14 only makes provision for annual determination of vacancies. It does not whittle down the authority of the State Government to issue executive instructions to include future vacancies also while making any recruitment.

34. The interplay between the statutory rules/regulations having statutory force and Government Orders referable to the power under Article 166(1) of the Constitution of India has been subject matter of consideration by the Supreme Court in many cases. In **Sant Ram Sharma**, it has been observed as follows:

> *"7. We proceed to consider the next contention of Mr N.C. Chatterjee that in the absence of any statutory rules governing promotions to selection grade posts the Government cannot issue administrative instructions and such administrative instructions cannot impose any restrictions not found in the Rules already framed. We are unable to accept this argument as correct. It is true that there is no specific provision in the Rules laying down the principle of promotion of junior or senior grade officers to selection grade posts. But that does not mean that till statutory rules are framed in this behalf the Government cannot issue administrative instructions regarding the principle to be followed in promotions of the officers concerned to selection grade*

posts. It is true that Government cannot amend or supersede statutory rules by administrative instructions, but if the rules are silent on any particular point Government can fill up the gaps and supplement the rules and issue instructions not inconsistent with the rules already framed."

35. Hon'ble Apex Court in ***A.B. Krishna and Ors. (supra)***, observed as under:

"8. The Fire Services under the State Government were created and established under the Fire Force Act, 1964 made by the State Legislature. It was in exercise of the power conferred under Section 39 of the Act that the State Government made Service Rules regulating the conditions of the Fire Services. Since the Fire Services had been specially established under an Act of the legislature and the Government, in pursuance of the power conferred upon it under that Act, has already made Service Rules, any amendment in the Karnataka Civil Services (General Recruitment) Rules, 1977 would not affect the special provisions Validly made for the Fire Services. As a matter of fact, under the scheme of Article 309 of the Constitution, once a legislature intervenes to enact a law regulating the conditions of service, the power of the Executive, including the President or the Governor, as the case may be, is totally displaced on the principle of "doctrine of occupied field". If, however, any matter is not touched by that enactment, it will be competent for the Executive to either issue executive instructions or to make a rule under Article 309 in respect of that matter."

36. In ***Jaiveer Singh and Ors. vs. State of Uttarakhand and Ors., 2023 SCC OnLine SC 1584, 2023 INSC 1024***, Hon'ble Apex Court observed as follows:

"49. It can thus be seen that it is a trite law that the Government cannot amend or supersede statutory rules by administrative instructions, but if the rules are silent on any particular point, it can fill up the gaps and supplement the rules and issue instructions not inconsistent with the rules already framed. It is a settled proposition of law that an authority cannot issue orders/office memorandum/executive instructions in contravention of the statutory rules. However, instructions can be issued only to supplement the statutory rules but not to supplant it."

37. In ***Bank of Baroda and Another vs. G. Palani and Others, (2022) 5 SCC 612***, following was observed:-

"14. First we come to the rigour of the regulations, The regulations have statutory force, having framed in exercise of the powers under section 19(2)(1) of the 1970 Act and are binding. They could not have been supplanted by any executive fiat, order or joint note, which has no statutory basis. The joint note of the officers also had no statutory force behind it and could not have obliterated any of the provisions of 1970 act or the existing regulations. Thus, joint notes could not have taken away the rights that were available under the 1995 pension regulations to the officer."

38. Recently, the aforesaid law came to be reiterated in ***Parth Das & Ors (supra)***, wherein the following was observed:

> *"40. Applying the above principles of law, it can safely be concluded that executive instructions issued under Article 166(1) of the Constitution of India cannot override the act done under the statute and the rules made thereunder. The executive instructions can only supplement the provisions of the act and the rules in case of any ambiguity or if gaps are to be filled but such executive instructions cannot supplant the specific provisions which already occupy the field. It is not the case of the government that to fill the gaps and to supplement the TSR Act and TSR Rules, the NRP is relevant, therefore, Abeyance Memorandum or Cancellation Memorandum may be upheld. In absence of the same, in our view, the action of the government in cancelling the process of recruitment for the post of Enrolled Followers is not justified and would amount to arbitrary exercise of power."*

39. The Rules 2007 have been framed under the proviso to Article 309 of the Constitution. The Rules makes specific provision for determination and intimation to the Commission the number of vacancies to be filled during the course of the year of recruitment. The field is already occupied. Consequently, the G.O. dated 09.02.2013 and 25.10.2019, which are general in nature, cannot be applied to the recruitment in question, in view of the principles laid down by the Apex Court in the above noted judgments. The executive instructions cannot supplant the Rules framed under proviso to Article 309 of the Constitution.

40. In the matter of Public employment, the provisions of Article 14 and 16 of the Constitution would come into play. Article 16 of the Constitution grants equality in the matter of opportunity to employment in the public office. It is trite that the eligibility of a candidate is to be considered for appointment with reference to the last date of making of application for recruitment. If the submission in support of inclusion of the future vacancies of year 2014-15 and 2015-16 is accepted, the effect would be that the candidates who would have acquired eligibility for appointment to the vacancies arising in the year 2014-15 and 2015-16 would stand excluded even from the zone of consideration, as on the last date of making application pursuant to the advertisement dated

24.12.2013 they may be found lacking of the eligibility. Such candidates had the legitimate expectation to participation and consideration for appointment against the vacancies occurring during the course of the recruitment year in which they acquire the eligibility. This is also the objective of Rule 14 read with the definition clause of the 'year of recruitment'. It ultimately results in according equal opportunity to the eligible section to public employment.

41. Supplementary affidavit filed by the State discloses the justification for the reduction of the vacancies of Assistant Engineer (Civil) from 640 to 394. Admittedly, the total sanctioned posts of Assistant Engineer (Civil) in Irrigation Department was 1588, out of which, 804 posts were for direct recruits and 784 for promotees. The total number of vacancies advertised on 24.12.2013 of Assistant Engineer (Civil) is 640 *vide* two requisitions; (a) dated 06.07.2012 for recruitment year 2011-12 (262 posts) and (b) dated 07.11.2013 for the recruitment years 2012-13, 2013-14, 2014-15 and 2015-16 (121+ 86+79+ 92 = 378).

42. According to the State, there was error in calculation of the vacancies, while sending the requisitions. The errors were on two counts. The first one was in respect of the calculation of the posts already occupied by the direct recruits. According to the stand taken in the supplementary counter affidavit, out of 804 posts reserved for direct recruits, 330 posts were already occupied, leaving only 474 vacant posts. This mistake was brought to the notice of the State Government by the Chief Engineer Karmik (E-2), Irrigation and Water Resources Department, U.P. through his report dated 01.11.2017. The State Government, by its letter dated 14.11.2017, directed the UPPSC to make recruitment only for 474 posts, as against the requisition made to it.

43. The second error was in respect of wrongful inclusion of vacancies of the future years. It was corrected by the State by its letter dated 02.07.2018, to the Commission. It was a conscious decision of the

State Government, taken on basis of various interdepartmental communications dated (i) 31.05.2018 by Commission to the State Government (ii) 05.06.2018 by State Government to the Department (iii) 21.06.2018 by Chief Engineer Karmik (E-2) to the State Government, and (iv) 02.07.2018 by State Government to the Commission (details stated in Paragraphs 7 & 8).

44. As a result, there was a further reduction of 80 vacancies pertaining to the recruitment years 2014-15, 2015-16 and 2016-17 (51+09+20). At this stage, it is also relevant to note that after the recruitment in question, two more recruitment exercises have been held in respect of the vacancies of subsequent years.

45. The entire basis of the determination of the vacancies hinges upon the facts and the figures exhibited by the State in the supplementary counter affidavit, however, in absence of any rebuttal to the same, this Court has no option but to accept the said facts and figures as correct.

46. Moreover, the advertisement itself stipulates that the number of the vacancies can be increased or decreased. The error in calculation of vacancies can definitely be corrected under the said clause.

47. Significantly, the mistake was corrected much before declaration of the final result. There is no allegation of any malice in facts or law and it was always open for the State to rectify the mistake which was committed while wrongly determining the vacancies.

48. Obviously, there cannot be any change in the eligibility criteria, once the selection process has started, but the said legal proposition cannot be pressed in service, where the determination of the vacancies is erroneous. Therefore, reliance placed upon ***Tej Prakash Pathak (supra)*** is out of context as in the said case, the eligibility criteria came to be changed in the midst of the recruitment process.

49. Likewise, ***Parth Das & Ors (supra)*** although holds that the rules of the game cannot be changed after the game has begun but that was for

upholding the sanctity of the statutory rules over executive instructions. The appellants therein had participated in the process of selection held as per the statutory rules but at the stage of character verification, the selection process was kept in abeyance and later cancelled on the basis of the New Recruitment Policy. The same was found contrary to the field already occupied by the Rules and therefore, the decision to cancel the recruitment on basis thereof was held to be illegal.

50. The determination of the vacancies and the requisition for employment is the prerogative of the State and the Courts of law generally do not interfere in their decision until and unless the same is found to be ex-facie illegal or arbitrary. In ***Ajith G. Das and others (Supra),*** the Supreme Court observed as under:

> *"The primary role of the KPSC is to aid and facilitate the selection process. It functions as an autonomous body within the framework laid down by the Constitution of India, ensuring transparency and merit-based recruitment. However, its autonomy is confined to the Conduct of the selection process. Determination of the number of vacancies and the requisition for employees remain the prerogative of the State Government, which is the employer. This fundamental distinction was overlooked by the High Court, leading to an erroneous Interpretation of the KPSC's authority."*

51. Certainly, mere participation in a selection process or placement in the select list would not create indefeasible right for appointment, the only exception being where the action is found to be arbitrary. What is arbitrary depends upon the facts and the circumstances of the individual case. No strict jacket formula can be applied.

52. The State has been successful in disclosing the logic and rationale behind reduction of the vacancies from the one originally advertised. Consequently, the submission advanced against the action of the State and the Commission in not filling up all the vacancies advertised does not merit acceptance.

53. In ***A.P. Christians Medical Educational Society Vs. Government of Andhra Pradesh and another (1986) 2 SCC 667,*** it was observed as under :-

"We cannot by our fiat direct the University to disobey the statute to which it owes its existence and the regulations made by the University itself. We cannot imagine anything more destructive of the rule of law than a direction by the court to disobey the laws."

54. The allegation of the discrimination on the count that barring the Assistant Engineer (Civil) there has been no proportionate reduction of vacancies in other departments is also not worthy of acceptance, inasmuch as, law does not contemplate doctrine of negative equality. In ***State of Bihar and others vs. Kameshwar Prasad Singh and another***, **(2000) 9 SCC 94**, the following was observed:-

"*30. The concept of equality as envisaged under Article 14 of the Constitution is a positive concept which cannot be enforced in a negative manner. When any authority is shown to have committed any illegality or irregularity in favour of any individual or group of individu-als, others cannot claim the same illegality or irregularity on the ground of denial thereof to them. Similarly wrong judgment passed in favour of one individual does not entitle others to claim similar benefits. In this regard this Court in Gursharan Singh v. New Delhi Municipal Committee (1996) 2 SCC 459 held that citizens have assumed wrong notions regarding the scope of Article 14 of the Constitution which guarantees equality before law to all citizens. Benefits extended to some persons in an irregular or illegal manner cannot be claimed by a citizen on the plea of equality as enshrined in Article 14 of the Constitution by way of writ petition filed in the High Court. The Court observed:*

> "*Neither Article 14 of the Constitution conceives within the equality clause this concept nor Article 226 empowers the High Court to enforce such claim of equality before law. If such claims are enforced, it shall amount to directing to continue and perpetuate an illegal procedure or an il-legal order for extending similar benefits to others. Before a claim based on equality clause is up-held, it must be established by the petitioner that his claim being just and legal, has been denied to him, while it has been extended to others and in this process there has been a discrimination.*"

Again in ***Secy., Jaipur Development Authority v. Daulat Mal Jain*** *(1997) 1 SCC 35, this Court considered the scope of Article 14 of the Constitution and reiterated its earlier position regarding the concept of equality holding:*

> "*Suffice it to hold that the illegal allotment founded upon ultra vires and illegal policy of allot-ment made to some other persons wrongly, would not form a legal premise to ensure it to the re-spondent or to repeat or perpetuate such illegal order, nor could it be legalised. In other words, judicial process cannot be abused to perpetuate the illegalities. Thus considered, we hold that the High Court was clearly in error in directing the appellants to allot the land to the respondents.*"

31. In State of ***Haryana v. Ram Kumar Mann*** **(1997) 3 SCC 321** this Court observed:

> "*The doctrine of discrimination is founded upon existence of an enforceable right. He was discriminated and denied equality as some similarly situated persons had been given the same relief. Article 14 would apply only when invidious discrimination is meted out to equals and similarly circumstanced without any rational basis or relationship in that behalf. The respondent has no right, whatsoever and cannot be given the relief wrongly given to them, i.e, benefit of withdrawal of resignation. The High Court was wholly wrong in reaching the conclusion that there was invidious discrimination. If we cannot allow a wrong to perpetrate, an employee, after committing misappropriation of money, is dismissed from service and subsequently that order is withdrawn and he is reinstated into the service. Can a similarly circumstanced person claim equality under Section 14 for reinstatement? The answer is obviously 'No'. In a converse case, in the first in-stance, one may be wrong but the wrong order cannot be the foundation for claiming equality for enforcement of the same order. As stated earlier, his right must be founded upon enforceable right to entitle him to the equality treatment for enforcement thereof. A wrong decision by the Government does not give a right to enforce the wrong order and claim parity or equality. Two wrongs can never make a right.*"

55. In ***Kreetarth Mohan (supra),*** the requisition dated 07.11.2013 was under challenge which included the future vacancies for the recruitment years 2014-15 and 2015-16. Division Bench negated the challenge on the ground that the Government Order dated 09.07.2013 providing for inclusion of anticipated vacancies was not impugned. Neither the statutory rules were interpreted nor any legal principle was laid down. The relevant observations from the said judgment are as under:

> *"(15) The petitioner in the instant writ petition has assailed the the letter dated 7.11.2013 sent by the Secretary, Irrigation Department to the U.P. Public Service Commission. informing the vacancy of the post of Assistant Engineer (Civil) in Engineering Cadre for selection relating to the selection years 2013-2014, 2014-2015 and 2015-2016. It appears that the said requisition was sent to the Commission in compliance of the directions issued vide Government Order dated 9th July, 2013, which, in our opinion, is a consequential act, which cannot be said to be unjustified or reasonable.*
> *(16) Surprisingly, the petitioner has not challenged the Government Order dated 9th July, 2013 knowing well that the requisition for three selection years has been sent in compliance of the said Government Order. The intention behind sending requisition after calculation of vacancies going to fell vacant is that the considerable long time is consumed in completing the selection process and not filling up of the vacancies in time results causes State work to suffer, which ultimately affects the public at large."*

56. The learned Single Judge took notice of the Division Bench judgment and proceeded to decide the case after considering the

statutory provisions which are governing the field. In our opinion, the view taken by the learned Single Judge is premised upon the statutory framework as well as the precedents on the said subject.

57. In ***Bhavnagar University Vs. Palitana Sugar Mill (P) Ltd. (2003) 2 SCC 111***, Hon'ble Supreme Court in para 59 held as under.-

> *"59. A decision, as is well known, is an authority for which it is decided and not what can logically be deduced therefrom. It is also well settled that a little difference in facts or additional facts may make a lot of difference in the precedential value of a decision. [See Ram Rakhi v. Union of India, Delhi Admn. (NCT of Delhi) v. Manohar Lal, Haryana Financial Corpn. v. Jagdamba Oil Mills and Nalini Mahajan (Dr) v. Director of Income Tax (Investigation).]"*

58. The said decision came to be followed in the case of ***Escorts Ltd. v. Commissioner of Central Excise, Delhi-II, (2004) 8 SCC 335***, the following was observed.-

> *"8. Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. Observations of courts are neither to be read as Euclid's theorems nor as provisions of a statute and that too taken out of their context. These observations must be read in the context in which they appear to have been stated. Judgments of courts are not to be construed as statutes. To interpret words, phrases and provisions of a statute, it may become necessary for Judges to embark into lengthy discussions but the discussion is meant to explain and not to define. Judges interpret statutes, they do not interpret judgments. They interpret words of statutes; their words are not to be interpreted as statutes. In London Graving Dock Co. Ltd. v. Horton (AC at p. 761), Lord MacDermott observed: (All ER p. 14 C-D)*
>
> *"The matter cannot, of course, be settled merely by treating the ipsissima verba of Willes, J., as though they were part of an Act of Parliament and applying the rules of interpretation appropriate thereto. This is not to detract from the great weight to be given to the language actually used by that most distinguished judge….*
>
> *10. Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases. Disposal of cases by blindly placing reliance on a decision is not proper."*

59. In ***Bharat Petroleum Corporation Ltd. And another vs N.R. Vairamani And Another 2004 (8) SCC 579***, a note of caution was flagged that the Courts should not place reliance on the decisions without discussing as to how the factual situation fits in with the situation of the decision on which reliance is placed. It was held as under.-

> *"9. Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. Observations of courts are neither to be read as Euclid's theorems nor as provisions of a statute and that too taken out of their context. These observations must be read in the context in which they appear to have been stated. Judgments of courts are not to be construed as statutes. To interpret words, phrases and provisions of a statute, it may become necessary for judges to embark into lengthy discussions but the discussion is meant to explain and not to define. Judges interpret statutes, they do not interpret judgments. They interpret words of statutes; their words are not to be interpreted as statutes. In London Graving Dock Co. Ltd. v. Horton (AC at p. 761) Lord MacDermott observed: (All ER p. 14 C-D).*
>
> *"The matter cannot, of course, be settled merely by treating the ipsissima verba of Willes, J., as though they were part of an Act of Parliament and applying the rules of interpretation appropriate thereto. This is not to detract from the great weight to be given to the language actually used by that most distinguished judge,..."*

60. The aforesaid principles of law came to be referred to in the case of ***State of Orissa Vs. MD. Illiyas 2006 (1) SCC 275*** and ***Mavilayi Service Cooperative Bank Ltd. & Others Vs. Commissioner of Income Tax, Calicut & another 2001 (7) SCC 90***.

61. Now referring to the precedents relied on behalf of the appellants/ writ petitioners, the Court finds that ***Malik Mazhar Sultan (supra)*** has no application since the Rule 8 of the ***U.P. Higher Judicial Service Rules, 1975*** provided for taking into account anticipated vacancies of the next two years. However, under the ***2007 Rules,*** the position is quite different. Thus, the said analogy cannot be applied. The same is the position with ***Vivek Kaisth (supra)*** also, as it in fact followed ***Malik Mazhar Sultan (supra).***

62. ***Manoj Kumar (supra), Vansh (supra), Shmita Srivastava (supra)*** are those cases wherein the Apex Court had discussed the injurious consequences arising out of arbitrary and illegal administrative action and had resorted to apply compensation/ restitution theory. However, the said judgments have no application as here the action of the State is neither arbitrary nor illegal.

CONCLUSION

63. In view of the foregoing discussion, the legal corollary would be that the judgment in the case of ***Kreetarth Mohan (supra)*** upholding the requisition dated 07.11.2013 including the future vacancies for the recruitment years 2014-15 and 2015-16 does not lay down any ratio or principle of law. Conversely, the judgments of the learned Single Judge in ***Satya Prakash Yadav (supra)***, ***Israr Ahmad (supra)*** and ***Kamal Kumar Pandey (supra)*** holding that in view of Rule 3(l) and Rule 14 of the ***2007 Rules***, the vacancies till the recruitment year 2013-14 only could have been filled, lay down the correct law. Accordingly, the exclusion of the vacancies of the future recruitment years is not found to suffer from any illegality.

64. Accordingly, the present appeals/writ petitions, being devoid of merits, are liable to be dismissed.

65. Resultantly, **dismissed**.

(Vikas Budhwar,J.) (Ajit Kumar,J.) (Manoj Kumar Gupta,J.)

December 18, 2025
A. Prajapati/gp

ADDENDUM-I

No.: 1552/12-27-*Sin.*-2-3(80)/06

From,

Naveen Chandra Tripathi
Joint Secretary
Government of Uttar Pradesh

To,

Secretary,
Public Service Commission,
U.P., Allahabad

Irrigation Section – 2 Lucknow : Date 06 July, 2012

Subject – Requisition regarding selections to be made through direct recruitment on the vacant posts for the selection year 2011-12.

Sir,

Kindly peruse the Letter No. 1992/E-2, Date 15-06-2012 (photocopy enclosed), issued by the office of the Engineer-in-Chief, Irrigation Department, Lucknow, U.P., on the above mentioned subject.

2- In this regard, I have been directed to state that, against 267 vacant posts for the selection year 2011–12, after effecting a deduction of 02 percent, requisition is being made for a total of 262 posts to be filled. Of these, 50 percent i.e. 131 posts are for the General Category, 21 percent i.e. 55 posts for the Scheduled Castes, 27 percent i.e. 71 posts for the Other Backward Classes, and 02 percent i.e. 05 posts for the Scheduled Tribes. Accordingly, the requisition, along with the Service Rules, is being forwarded herewith in two copies.

3-Therefore, it is requested to conduct the recruitment against the aforesaid vacancies and that the list of selected Assistant Engineers be kindly made available to the Government forthwith.

Enclosure : as aforesaid.

Sincerely,
Sd/-
(Naveen Chandra Tripathi)
Joint Secretary

Endorsement No. and date as above:

Copy forwarded to the following for information and necessary action :

1. Controller of Examination, Public Service Commission, U.P., Allahabad
2. Senior Staff Officer (E-2), Irrigation Department, U.P., Lucknow.

By order
Sd/-
(Bhagwati)
Under Secretary

True Copy

No.: 2953/13-27-*Sin*.-2-3(80)/06

From,

Mayur Maheshwari

Special Secretary

Government of Uttar Pradesh

To,

Secretary,

Public Service Commission,

U.P., Allahabad

Irrigation Section – 2 Lucknow Date 07 November, 2013

Subject – Requisition regarding conducting selection through direct recruitment against vacant posts of Assistant Engineer (Civil) for the selection years 2012–13, 2013–14, 2014–15 and 2015–16.

Sir,

With reference to the above-mentioned subject, kindly persue Letter No. 2239/E-2 dated 10-07-2012; Letter No. G-444/E-2/Assistant Engineer (Direct Recruitment Requisition) dated 23-09-2013; and Letter No. G-393/E-2/Assistant Engineer (Direct Recruitment) dated 30-09-2013 (photocopies enclosed), issued by the office of Engineer-in-Chief, Irrigation Department, Uttar Pradesh, Lucknow.

2-The details of vacant posts of Assistant Engineer (Civil) in the Irrigation Department for the selection years 2012–13, 2013–14, 2014–15 and 2015–16 are as follows:

(a) For the selection year 2012–13, against 123 vacant posts to be filled through direct recruitment, after effecting a 02 percent deduction, the enclosed requisition for a total of 121 vacant posts is as follows:

1) 50 percent for the General Category= 61 posts

(2) 21 percent for the Scheduled Caste= 25 posts

(3) 27 percent for the Other Backward Classes= 33 posts

(4) 02 percent for the Scheduled Tribe= 02 posts

(b) For the selection year 2013–14, against 88 vacant posts to be filled through direct recruitment, after effecting a 02 percent deduction, the enclosed requisition for a total of 86 vacant posts is as follows:

(1) No. of posts for the Unreserved= 43 posts

(2) No. of posts for the Scheduled Caste=18 posts
(3) No. of posts for the Scheduled Tribe =02 posts
(4) No. of posts for the Other Backward Class= 23 posts

(c) For the selection year 2014–15, against 81 vacant posts to be filled through direct recruitment, after effecting a 02 percent deduction, the enclosed requisition for a total of 79 vacant posts is as follows:
(1) No. of posts for the Unreserved = 39 posts
(2) No. of posts for the Scheduled Caste = 17 posts
(3) No. of posts for the Scheduled Tribe = 02 posts
(4) No. of posts for the Other Backward Class = 21 posts

(d) For the selection year 2015–16, against 94 vacant posts to be filled through direct recruitment, after effecting a 02 percent deduction, the enclosed requisition for a total of 92 vacant posts is as follows:
(1) No. of posts for the Unreserved= 46 posts
(2) No. of posts for the Scheduled Caste= 19 posts
(3) No. of posts for the Scheduled Tribe= 02 posts
(4) No. of posts for the Other Backward Classes= 25 posts

3. In the matter in question, I have been directed to state that, in accordance with the above details, recruitment against the said vacancies of a total of 378 posts for the selection years 2012-13, 2013-14, 2014-15 and 2015-16 be conducted and that the list of selected Assistant Engineers (Civil) be kindly made available to the Government at the earliest.

Enclosure : as aforesaid

Sincerely,
Sd/- *illegible*
Special Secretary

Endorsement No. and date as above:
Copy forwarded to the following for information and necessary action-
1. Controller of Examination, Public Service Commission, U.P., Allahabad
2. Engineer-in-chief and Head of Department, Irrigation Department, U.P., Lucknow.

By order
Sd/- *illegible*
Deputy Secretary

Office of the Engineer-in- Chief

(Establishment-2 Anubhag)

Irrigation and Water Resource Department, Uttar Pradesh

Letter No:G-737/E-2/ **Lucknow: Date:** 1 Nov. 2017

Subject: Regarding excess vacancies sent to Public Service Commission for direct recruitment of Assistant Engineer (Civil).

Under Secretary, Irrigation and Water Resource Section-13, Government of Uttar Pradesh, Lucknow

Kindly peruse the letter No. G-570/E-2/requisition, dated 11.09.2017 on the above subject of this office, whereby, in compliance with the orders received vide Government letter No. 1780/*Twenty Seven*-13-2017-2/2016, dated 30.08.17, a request was made to the Public Service Commission, Uttar Pradesh, Allahabad not to advertise the 69 posts requisitioned for the selection year 2016-17 in respect of the posts of Assistant Engineer (Civil) of Direct Recruitment Cadre, resulting in excess posts over and above the sanctioned quota due to erroneous calculation and further sought a decision regarding recruitment of only 478 candidates against 640 posts advertised by the Public Service Commission in December 2013 for filling up the posts of Assistant Engineer (Civil) of Direct Recruitment Cadre.

In connection with the above, as per the instructions given on telephone on 31.10.17, after re-examination of the Government appointment orders issued at the Government level from among the 182 candidates selected by the Public Service Commission, Uttar Pradesh, Allahabad under the Combined State Engineering Examination-2011, it is to be informed that in respect of 182 candidates selected by the Public Service Commission, appointment orders of 174 candidates have been issued through a total of 11 Government orders. By amending the number of remaining candidates, the number of posts in row-2 of Table-2 is shown as 08 instead of 04, accordingly the revised information is as follows:-

Revised table

Sr. No.	Description	No. of vacancies
1.	Number of posts of Assistant Engineer (Civil) in Direct Recruitment Cadre currently working/filled	305
2.	Number of candidates remaining (whose appointment orders are to be issued at the government level) out of	08

	182 selected by Public Service Commission, Uttar Pradesh, Allahabad in Combined State Engineering Examination-2011 related to the requisitioned posts for the selection year 2009-10 and 2010-11)	
3.	Posts advertised for persons with disabilities in the (Backlog/Special Selection) Examination-2013 for Persons with Disabilities by the Public Service Commission, Uttar Pradesh, Allahabad	17
4.	As a result of the above, the number of filled posts of Assistant Engineer (Civil) in the direct recruitment cadre	330
5.	Number of sanctioned posts of Assistant Engineer (Civil) in the direct recruitment cadre in the Irrigation and Water Resources Department, Uttar Pradesh	804
6.	Current vacant posts of Assistant Engineer (804-330) as per the status of filled posts against sanctioned posts of Assistant Engineer (Civil) of Direct Recruitment Cadre.	474
7.	Number of requisitioned posts for the selection year 2011-12 to 2015-16 regarding which selection proceedings are in progress by Public Service Commission, Uttar Pradesh, Allahabad.	640
8.	Currently, 474 vacant posts of Assistant Engineer (Civil) in the direct recruitment cadre are available. However, there is an excess of posts (640-474=166) considering the 640 requisitioned posts for the selection years 2011-12 to 2015-16, for which the Public Service Commission is taking action.	166

Therefore, in continuation of the letter no. G-570/E-2, dated 11.09.17 of this office, it is required to send the revised information as per the above table along with the request to take cognizance of the status of posts as per the above table in place of Table-2 mentioned in the letter dated 11.09.17 of this office and take further action accordingly.

Sd/-

(Dhyan Singh)

Chief Engineer Personnel (E-2)

For Engineer-in-Chief,

Irrigation and Water Resource Department

Number: 2113/*Twenty Seven*-13-2017-02/2016

From,

Shambhu Nath,
Secretary,
Government of U.P.

To,

Secretary,
Public Service Commission,
Uttar Pradesh, Allahabad.

Irrigation and Water Resources Section-13 Lucknow: Dated 14 November, 2017

Subject:- Regarding the requisition sent for selection through direct recruitment on the vacant posts of Assistant Engineer (Civil) in the selection years 2011-12, 2012-13, 2013-14, 2014-15 and 2015-16.

Sir,

Kindly take note of the Government letters referred to above, bearing letter No. 1552/12-27-Sin-2-3 (80)/06 dated 06.07.2012 and letter no. 2953/13-27-Sin-2-3 (80)/06 dated 07.11.2013, through which requisitions were forwarded to the Uttar Pradesh Public Service Commission, Allahabad, for selection under the Direct recruitment quota to the post of Assistant Engineer (Civil), as detailed below: 262 posts for selection year 2011-12, 121 posts for selection year 2012-13, 86 posts for selection year 2013-14, 79 posts for selection year 2014-15 and 92 posts for selection year 2015-16, aggregating to a total of 640 posts. Pursuant thereto, the Uttar Pradesh Public Service Commission, Allahabad, has already initiated the process of selection by advertising the Combined State Engineering Services (General Selection) Examination, 2013, on 24.12.2013.

2. In this regard, as per the information furnished through the Letter of the Chief Engineer (E-2) bearing letter No G-570/E-2/ requisition dated 11.09.2017 and Letter No. G-737/E-2 dated 01.11.2017 (Photocopies enclosed), after the appointment/ promotion to the post of Assistant Engineer (Civil) in both cadres, a single seniority list is issued under the provisions of Rule 8 of the Uttar Pradesh Government Servants Seniority Rules, 1991 which functions as the feeder cadre for promotion to the post of Engineer-in-Chief (the highest post). Therefore, the calculation of the requisitioned posts for Assistant Engineers in the direct recruitment cadre ought to have been done by

considering the single seniority list of Assistant Engineers. This would have made it clear that as per the resultant vacancies available in each selection year, how many Assistant Engineers of the Direct Recruitment Cadre would be promoted in the eligibility list prepared for promotion from Assistant Engineer to Executive Engineer after promotion to Executive Engineer and higher posts. The requisitioned posts should have been sent to the Government accordingly. However, the requisition was forwarded to the Government without undertaking the calculation of the Direct Recruitment/Promotion Cadre. As a result thereof, at present, upon including the working Assistant Engineers of the Direct Recruitment Cadre and the 640 posts requisitioned from the selection year 2011-12 to the selection year 2015-16, there is an excess of 166 posts as compared to the total sanctioned posts of 804 of the Direct Recruitment Cadre. Thus, at present, only 474 posts of Assistant Engineer (Civil) are vacant.

3 Therefore, in this regard, I am directed to say that in view of the situation described, through the reference letters of the Government, kindly select only 474 candidates against the requisition sent for selection to 640 posts of Assistant Engineer (Civil) for the selection year 2011-12 to 2015-16 and provide the recommendation to the Government.

Enclosures -as above.

Sincerely,

Sd/-

(Shambhu Nath)

Secretary.

Office of the Engineer-in-Chief

(Establishment-2 Section)

Irrigation and Water Resource Department, Uttar Pradesh

No. G- 138 / E-2/ **Lucknow: Date: 10th May, 2018**

Subject: Regarding clarification of the status of vertical and horizontal reservation in the requisitions received for the post of Assistant Engineer (Civil) in the Combined State Engineering Services Examination-2013.

Under Secretary, Irrigation & Water Resource Section-13, Government of Uttar Pradesh, Lucknow.

Kindly take reference of the aforementioned subjected Government Letter No.: *200/ Twenty Seven-13-2018-2/2016*, dated 30.01.18, whereby a copy of the letter no. 728/03/E-3/2012-2013, dated 23.01.2018 of the Public Service Commission, Uttar Pradesh, Allahabad has been attached, seeking to clarify the position regarding the posts for 17 Persons with Disabilities (PwD) advertised by the Public Service Commission and to provide the details of vacant posts year wise between the selection year 2011-12 to 2015-16.

It is noteworthy that vide letter no. G-570/E-2, dated 11.09.17 and letter no. G-737 E-2, dated 01.11.2017 of this office, keeping in view the number of Assistant Engineers working at that time against the sanctioned 804 posts of Assistant Engineer (Civil) of direct recruitment cadre, showing the situation of excess of 166 posts, a request has been made to the government to select only 474 candidates, which includes the vacant posts of selection year 2016-17. Pursuant to the same, a letter has been sent to the Public Service Commission, Uttar Pradesh, Allahabad vide Government Letter no. 2113*/Twenty Seven*-13-2017-02/2016, dated 14.11.2017.

According to requisition done through the Government Letter No.: *200/Twenty Seven- 13-2018-2/2016*, dated 30.01.2018, in respect of the said 474 posts sent to the Public Service Commission, Uttar Pradesh, Allahabad, as per the following table, 255 posts for the selection year 2011-12, 66 for the selection year 2012-13, 73 for the selection year 2013-14, 51 for the selection year 2014-15, 09 for the selection year 2015-16 and 20 posts for the selection year 2016-17 are being calculated respectively. Thus, from the selection year 2011-12 to 2015-16 (255+66+73+51+09=) a total of 454 posts and 20 posts are available for the selection year 2016-17.

Sr. No.	Selection Year	Number of vacant post	Total Post
1	2011-12	255	454
2	2012-13	66	
3	2013-14	73	
4	2014-15	51	
5	2015-16	09	
6	2016-17	20	20
	Total		474

According to the said table, out of 454 posts available between the selection year 2011-12 to 2015-16, 13 posts are available for the persons with disabilities, whose sub-categories are as follows:-

1. Visually Impaired - 05 post
2. Hearing Impaired - 04 post
3. Locomotor Disability - 04 post

With reference to the letter no. 728/03/E-3/2012-2013, dated 23.01.18 of Public Service Commission, Uttar Pradesh, Allahabad, it would be expedient to mention that at present no Persons with Disabilities (PwD) Assistant Engineer (Civil) is working in the department in the direct recruitment cadre, hence in the above situation, if the department receives 11 Persons with Disabilities (PwD) candidates/Assistant Engineers (Civil) out of 17 Persons with Disabilities (PwD) candidates advertised under backlog/special selection for Persons with Disabilities (PwD) candidates, the quota of 24 posts fixed for Persons with Disabilities (PwD) candidates shall be fulfilled. The sub-categories of the said 11 posts are as follows:-

1. Visually Impaired - 04 post
2. Hearing Impaired - 04 post
3. Locomotor Disability - 03 post

Therefore, the status of the posts as mentioned above is sent for information and further necessary action.

Sd/-
(Sandeep Kumar Khare)
Executive Engineer (E-2)
For Engineer-in-Chief,
Irrigation & Water Resource Department

No.: 792/Twenty Seven-13-2018-2/2016

From,

Sudheendra Kumar,
Joint Secretary,
Government of Uttar Pradesh.

To,

The Secretary,
Public Service Commission,
Uttar Pradesh, Allahabad.

Irrigation and Water Resource Section -13 **Lucknkow: 18th May, 2018**

Subject: Regarding clarification of the status of vertical and horizontal reservation in the requisitions received for the post of Assistant Engineer (Civil) in the Combined State Engineering Services Examination-2013.

Sir,

With reference to your letter no. 642(1)/03/E-3/2012-2013 dated 30th June, 2017 regarding the above subject, a copy of the information furnished vide the letter no. G-138/E-2 dated 10.05.2018 issued by the Executive Engineer (E-2), Office of the Engineer-in-Chief, Irrigation and Water Resource Department, Uttar Pradesh, Lucknow. It is requested to kindly ensure necessary action accordingly in matter.

Enclosure: As above.

Sincerely,
Sd/-
(Sudheendra Kumar)
Joint Secretary

Top Priority/Speed Post/ Fax/E-mail

Letter No.-835/03/E-3/2012-2013

From,

Jagdish,
Secretary,
Public Service Commission, Uttar Pradesh,
Allahabad .

To,

The Principal Secretary,
Government of Uttar Pradesh,
Irrigation and Water Resources, Section-13,
Lucknow.

Allahabad: Date 31 May, 2018

Subject:- Regarding clarification of the status of vertical and horizontal reservation in the requisitions received for the post of Assistant Engineer (Civil) in the Combined State Engineering Services Examination, 2013.

Sir,

In the above-mentioned subject, kindly refer to the Letter No.-792*/Twenty Seven*- 13-2018-2/2018, dated 18th May, 2018 of the government, through which it has been apprised regarding the vacant posts of Assistant Engineer (Civil), Irrigation Department in the Combined State Engineering Services Examination-2013 from the selection year 2011-12 to 2016-17.

2. In this regard, it is informed that, as per the requisition received from the Government for the post of Assistant Engineer (Civil), Irrigation Department, the Commission is conducting the selection process through the examination in question, on a total of 469 posts for the selection years 2011-12, 2012-13, and 2013-14. Accordingly, the Commission, *vide* its letter dated 21-05-2015, requested for the clarification on the status of vertical and horizontal reservations for the 469 posts of Assistant Engineer (Civil). In response whereof, the Government sent a letter dated 28-09-2015 (Enclosure-1), in which the status of vertical and horizontal reservations was clarified. However, the 14 posts under horizontal reservation for persons with disabilities were stated to be included in the 17 posts requisitioned/advertised for special selection of persons with disabilities. In the connection to the aforesaid, the Commission again sent a letter dated 30-06-2017 to the government seeking clarification, in reply to which a letter dated 18-05-2018 of the government was received. In the said letter, only 255+66+73=394 vacant posts have been mentioned in the selection years 2011-12, 2012-13 and 2013-14 respectively, which is completely different from the status of the posts mentioned earlier. Also, the government did not disclose the

vertical and horizontal reservation separately for the said posts. Therefore, in order to clarify the status regarding the said discrepancies, the Commission has expressed the expectation that the process of selection be carried out either in accordance with the Government letter dated 28.09.2015, on the basis of the total 469 vacant posts pertaining to the selection years 2011-12 to 2013-14, or in accordance with the Government letter dated 18.05.2018, on the basis of 394 vacant posts pertaining to the selection years 2011-12 to 2013-14. If the selection process is to be conducted as per the letter dated 18-05-2018, then it is necessary to clarify the status of vertical and horizontal reservation in 394 vacant posts from the selection year-2011-12 to the selection year-2013-14 and the Commission be informed as soon as possible.

3- It is noteworthy that *vide* Letter No.-1328/12-27-*Si*-2-3(33)/12- dated 28-05-2012 of the government, a requisition for 17 backlog posts of Assistant Engineer (Civil), Irrigation Department for the person with disability was received, on the basis of which the Commission has taken action to advertise the said posts. It is noteworthy that in the letter dated 28-09-2015 of the government, the 14 posts for the persons with disabilities mentioned under horizontal reservation in the 469 vacant posts from the selection year 2011-12 to the selection year 2013-14 have been stated to be included in the 17 posts advertised for the said special selection. From this, it appears that the 17 posts advertised separately under the special selection/disabled are not vacant. Therefore, with regard to the 17 posts reserved for persons with disabilities separately forwarded by the Government, it is necessary to clarify the position, indicating whether a special selection / selection for the backlog of persons with disabilities is to be conducted for these 17 posts, or for any other backlog posts for persons with disabilities where the selection process is to be completed, and to mark these posts according to their sub-category to clearly reflect the status.

It is, therefore, requested that the desired information in respect of the queries raised in paragraphs 2 and 3 above be made available at the earliest, so that the selection process may be completed expeditiously.

Enclosures – As above.

Sincerely,

Sd/-

(Jagdish)

Secretary.

Top Priority/ Time-bound

No.- 982/*Twenty Seven*-13-2018-2/2016

From,

Sudheendra Kumar,
Joint Secretary,
Government of Uttar Pradesh.

To,

Engineer-in-Chief and Head of Department,
Irrigation and Water Resources Department,
UP, Lucknow.

Irrigation and Water Resources Section – 13 Lucknow: Date: 05 June, 2018

Sub: - Regarding clarification of status in vertical and horizontal reservation in the requisitions received for the post of Assistant Engineer (Civil) in the Combined State Engineering Service Examination.

Sir,

Kindly refer to letter number 835/03/E-3/2012-2013 dated 31.05.2018 (copy enclosed) from the Secretary, Uttar Pradesh Public Service Commission, Allahabad in pursuant to letter number G-138/E-2 dated 10.05.2018 of the Executive Engineer (E-2), Office of the Engineer-in-Chief, Irrigation and Water Resources Department, Uttar Pradesh, Lucknow, through which clarification has been sought regarding the vertical and horizontal reservation status in the requisitions received for the post of Assistant Engineer (Civil) in the Combined State Engineering Services Examination 2013.

2. Therefore, I have been directed to convey you to kindly clarify the position in light of the expectation expressed in the enclosed letter and submit your report along with clear recommendations to the Government within 3 days, so that the Uttar Pradesh Public Service Commission, Allahabad, may be dully apprised of the position.

Enclosures: As above

Sincerely,
S/d-
(Sudheendra Kumar)
Joint Secretary.

Office of Engineer-in-Chief

(Establishment-2 Section)

Irrigation and Water Resources Department, Uttar Pradesh

No: G-411 / E-2 / Lucknow: Date: 21st June, 2018

Subject: Regarding clarification of the status of vertical and horizontal reservation in the requisitions received for the post of Assistant Engineer (Civil) in the Combined State Engineering Services Examination- 2013.

Under Secretary, Irrigation and Water Resources Section-13, Government of Uttar Pradesh, Lucknow

In the aforesaid subject, kindly refer to the Government No.- 902 */Twenty Seven*- 13-2018-2 / 2016, dated 05.06.2018 through which a copy of the letter no.- 835 / 03 / E-3 / 2012-2013, dated 31.05.2018 of the Public Service Commission, Uttar Pradesh, Allahabad has been enclosed, providing its clear report in respect of the query made in para 2 and para 3 mentioned in the letter and has sought clarification on the status of vertical and horizontal reservation regarding 394 requistioned posts from the year 2011-12 to 2013-14 for the post of Assistant Engineer (Civil) selected in the Combined State Engineering Examination-2013.

In this regard, it is to be clarified regarding para 2 of letter dated 31.05.18 of the Secretary, Public Service Commission, U.P., Allahabad in compliance with the instructions given by the Government letter dated 05.06.18 that as per the Government letter no.- 792 */Twenty Seven*-13-2018-2 / 2018, dated 18.05.2018 sent in continuation of this office's letter no. G-138 / E-2, dated 10.05.18, it would be appropriate to proceed for the selection years 2011-12, 2012-13 and 2013-14 respectively for a total of 394 posts = (255+66+73). Accordingly, the consolidated details of unreserved/ reserved posts, as per the vertical and horizontal reservation of the said requisitioned 394 posts, shall be as per the following table:-

Vertical reservation of 394 requisitioned posts of Assistant Engineer (Civil) Direct Recruitment from Selection Year 2011-12 to 2013-14		Horizontal reservation of 394 requistioned posts of Assistant Engineer (Civil) Direct Recruitment from Selection Year 2011-12 to 2013-14	Remark
General / UR	197	-	-

Backward Class	106	-		-
Scheduled Caste	83	-		-
Scheduled Tribe	08	-		-
For dependents of freedom fighters (02%)	-	For dependents of freedom fighters (02%)	07	-
For Persons with disabilities (03%)	-	For persons with disabilities (03%)	11	-
		Blindness (P.B.)	04	
		Deafness (P.D.)	04	
		Locomotor Disability (O.L. / O.A.)	03	

Vertical reservation of 394 requisitioned posts of Assistant Engineer (Civil) Direct Recruitment from Selection Year 2011-12 to 2013-14		Horizontal reservation of 394 requistioned posts of Assistant Engineer (Civil) Direct Recruitment from Selection Year 2011-12 to 2013-14		Remark
For ex-servicemen (05%)	-	For ex-servicemen (05%)	Not implemented	-
For women of Uttar Pradesh (20%)	-	For women of Uttar Pradesh (20%)	78	There is a provision for 20% women reservation vide govt. Letter: 18 / 1 / 99-ka-2 / 99 dated 30.08.99. Accordingly, suitable candidates be selected by making horizontal reservation. If suitable female candidates are not available, then these posts will be filled by male candidates.

Apart from the above, it is to be mentioned regarding para 3 of letter dated 31.05.18 of the Secretary, Public Service Commission, U.P., Allahabad that a total of 804 posts of Assistant Engineer (Civil) of direct recruitment cadre

are sanctioned in the Irrigation Department, U.P. against which a total of 24 posts for persons with disabilities are calculated in the reserved cadre. As per the table mentioned on the previous page, a total of 11 posts for persons with disabilities are being counted under horizontal reservation against the advertised posts till selection year 2011-12 to 2013-14. At present, no Assistant Engineer (Civil) of the disabled cadre is working under the direct recruitment cadre. Therefore, if 13 disabled candidates are received by the department as Assistant Engineer (Civil) out of the 17 posts advertised under the Combined State Engineering Service for Disabled Persons (Backlog / Special selection) Examination 2013 then the quota of 24 posts fixed for persons with disabilities will be fulfilled against the sanctioned posts. In such a situation, it would be appropriate to select 13 posts of Assistant Engineer (Civil) from the 17 posts advertised under the special selection whose sub-categories shall be as per the following table:-

Visually impaired (P.B.)	Hard of Hearing (P.D.)	Locomotive Disability (O.L. / O.A.)
5	4	4

Therefore, the status of posts as mentioned above is forwarded for information and further necessary action.

Sd/-

(Dineshwar Shukla)

Chief Engineer Personnel (E-2)

For Engineer-in-Chief,

Irrigation & Water Resource Department

No. : 986 / *Twenty Seven*-13-2018-2 / 2016

From,

Sudheendra Kumar,
Joint Secretary,
Government of Uttar Pradesh

To,

The Secretary,
Public Service Commission,
Uttar Pradesh, Allahabad

Irrigation and Water Resource Section-13 **Lucknow: 02nd July, 2018**

Subject:- Regarding clarification of the status of vertical and horizontal reservation in the requisitions received for the post of Assistant Engineer (Civil) in the Combined State Engineering Services Examination-2013.

Sir,

With reference to your aforementioned letter no. 835 / 03 / E-3 / 2012-2013, dated 31st May, 2018, a copy of the information furnished vide letter no. G-411 / E-2, dated 21st June, 2018 issued by the Chief Engineer, Personnel (E-2), Office of the Engineer-in-Chief, Irrigation and Water Resource Department, Uttar Pradesh, Lucknow is enclosed herewith along with a kind request that necessary action in matter be taken accordingly.

Enclosure: As above

Sincerely,
Sd/-
(Sudheendra Kumar)
Joint Secretary

GOVERNMENT ORDER

No. 15/20/95-Ka-4-2013

From,

Rajeev Kumar,
Principal Secretary,
Government of Uttar Pradesh.

To:

1. All Principal Secretaries/Secretaries,
Government of Uttar Pradesh.
2. All Heads of Departments/Principal Heads of Offices,
Uttar Pradesh.
Personnel Section-4

Lucknow: Dated: 09 July 2013

Subject: Sending requisitions to the Public Service Commission, Uttar Pradesh, in time.

Sir,

On the above-mentioned subject, through Government Orders of the same number dated 30.09.1991, dated 02.01.1996, dated 27.05.1997, dated 09.08.2007, dated 29.12.2008, dated 05.10.2009, dated 23.11.2009, dated 28.10.2010, dated 03.10.2011, dated 14.03.2012 and dated 18.09.2012, you have been requested to send requisitions for the concerned posts to the Public Service Commission 02 years in advance, including complete information, in order to ensure timely completion of the selection process.

2. The Public Service Commission, Uttar Pradesh, has informed that, despite the clear provisions and directions given in the above-referred Government Orders, requisitions are not being made available to the Commission in time by the departments, due to which there is delay in completion of selections.

3. While enclosing the new formats for requisitions of direct recruitment and promotions made available by the Public Service Commission, Uttar Pradesh, I have again been directed to request you as under:

(1) Ensuring calculation of the vacancies likely to arise in the next 03 years, kindly send requisitions on the new formats for all

examinations/selections, including the Combined State/Upper Subordinate Services Examination, to the Public Service Commission immediately. In future also, requisitions for all posts should be made available to the Public Service Commission 03 years in advance.

(2) While sending requisitions, kindly ensure inclusion of all information and also send a copy of the Service Rules (Hindi/English) to the Public Service Commission.

(3) While sending requisitions, the provisions of Government Order of the same number dated 09.08.2007 should be specially kept in mind and the position of vertical and horizontal reservation should also be clarified. If any vacancy is to be reserved under horizontal reservation for persons with disabilities, then, as per Government Order dated 13.01.2011, clearly mentioning the specific identification/type of disability, a certificate as per paragraph-24 of the Government Order of the Personnel Department dated 03.02.2008 should also be sent.

(4) With regard to requisitions of various selections and examinations, replies to queries/observations raised by the Commission should kindly be made available to the Commission in a time-bound manner.

4. Kindly ensure strict compliance with the above instructions and send the requisitions for posts of direct recruitment/promotion on the new requisition formats to the Public Service Commission at the earliest.

Enclosure: As above.

Yours faithfully,
(Rajeev Kumar)
Principal Secretary

No. 15/20/95(1)-Ka-4-2013, Dated: Of the same date

Copy forwarded for information to the Secretary, Public Service Commission, Uttar Pradesh, Allahabad, in reference to his letter No. 117/8/Misc/S-10/2012-13 dated 07.05.2013.

By order,
(Rajeev Kumar)
Principal Secretary

From:
Mukul Singhal,
Additional Chief Secretary,
Government of Uttar Pradesh.
To:
1. All Additional Chief Secretaries/Principal Secretaries/Secretaries,
Government of Uttar Pradesh.
2. All Heads of Departments/Principal Heads of Offices,
Uttar Pradesh.
Government of Uttar Pradesh
Personnel Section-4 , Lucknow, Dated: 25 October 2019

Subject: Sending requisitions to the Public Service Commission, Uttar Pradesh, in time.

Sir,
On the above-mentioned subject, through Government Orders of the same number dated 30.09.1991, 02.01.1996, 27.05.1999, 09.08.2007, 29.12.2008, 05.10.2009, 23.11.2009, 28.10.2010, 03.10.2011, 14.03.2012, 18.09.2012, 09.07.2013, 23.10.2013 and 01.10.2014, you have been requested to send requisitions of the concerned posts to the Public Service Commission 03 years in advance, including complete information, in order to ensure timely completion of the selection process.
2. In view of the above, I have again been directed to request you as under:

(1) Full compliance should be ensured of the instructions as per Government Order No. 15/5/2017-Ka-2017 dated 29 November 2017 and letter of the same number dated 12 November 2018, issued by Personnel Section-4.
(2) Under the provisions contained in Government Order dated 09.07.2013, ensuring calculation of vacancies likely to arise in the next 03 years, regarding requisitions for direct recruitment for all

examinations/selections including the Combined State/Upper Subordinate Services Examination, the prescribed format is being updated and modified as per the annexure. Kindly send requisitions to the Public Service Commission in time on the new format.

(3) In the requisitions to be sent, clearly mentioning the status of reservation for DFF (Dependants of Freedom Fighters), ex-servicemen, persons with disabilities and women, as per Government Order No. 35/65-03-11-78/99 dated 13.01.2011, clear identification and type of disability for persons with disabilities should be indicated, and also the clear mention should be made regarding granting up to a maximum of 10 percent reservation for Economically Weaker Sections as per Government Orders of Personnel Section-2 No. 1/2019/4/1/2002/Ka-2/19 TC-II dated 18.02.2019 and No. 3/2019/4/1/2002/Ka-2019 TC-II dated 14.03.2019. Along with the above, a copy of the Service Rules (Hindi/English) of the concerned post shall also be mandatorily sent to the Public Service Commission.

3. Kindly ensure strict compliance with the above instructions.

Yours faithfully,
Mukul Singhal,
Additional Chief Secretary

OFFICE ORDER

TRUE COPY

Government of Uttar Pradesh
Personnel Section-4
No. 28/5/80-Ka-4-1999
Place: Lucknow
Date: 15 November 1999
OFFICE MEMORANDUM

Keeping in view the difficulties arising in the implementation of previously issued Government Orders relating to providing appointment to candidates selected on the basis of competitive examinations and other selections conducted by the Public Service Commission, U.P., and in seeking names from the waiting list, the Government has decided that, except for single-cadre posts, in all other combined services and other selections, no waiting list shall be prepared and no reshuffling shall be done.

2. In relation to the above, while superseding all previously issued Government Orders, the following other important decisions have been taken by the Government:

(1) Requisitions should be sent to the Commission only after ensuring correct calculation of the vacancies arising in a particular year of selection. As far as possible, there should be no change in the vacancies after the requisition has been sent.

(2) After receipt of the recommendations in respect of selected candidates, they must be made to assume charge, except in those cases where the concerned department/institution/organization has been completely wound up, or where any Court has passed an order to the contrary.

(3) The concerned departments shall ensure issuance of appointment orders within three months from the date of receipt of recommendations/allotments, and the candidate shall be given one

month's time to assume charge in the first instance, which, in unavoidable circumstances, may be considered for extension by one more month.

(4) Appointment letters shall be issued only after verification of character and conduct and medical examination of the selected candidates.

(5) In respect of candidates who do not assume charge within the prescribed period, their candidature shall be cancelled and the resulting vacancies shall be carried forward to the next year of selection.

(6) The select list shall be utilized only against the vacancies of that particular year of selection for which the requisition was sent/selection was made.

3. The above orders shall come into force with immediate effect.

4. Strict compliance of the above orders shall be ensured at every level.

Sd/– [Illegible]
Secretary

No. 28/5/80(1)-Ka-4-1999, Of the same date

Copy forwarded for information and necessary action to:

1. All Principal Secretaries/Secretaries, Government of Uttar Pradesh.
2. Secretary, Public Service Commission, U.P., Allahabad.
3. All Heads of Departments/Principal Heads of Offices, Uttar Pradesh.
4. All Divisional Commissioners/District Magistrates, Uttar Pradesh.
5. All Sections of the Secretariat.
6. Secretary, Legislative Council/Legislative Assembly, Uttar Pradesh.

By order,
Sd/– [Illegible]
Special Secretary

TRUE COPY

Government of Uttar Pradesh

Personnel Section-4

No. 28/5/80-Ka-4-2014

Place: Lucknow

Date: 26 March 2014

OFFICE MEMORANDUM

Through Office Memorandum of the same number dated 15.11.1999, instructions were issued that, in respect of providing appointment to candidates selected on the basis of competitive examinations and other selections conducted by the Public Service Commission, Uttar Pradesh, when selected candidates do not assume charge, then, except for single-post cadres, no action for preparation of waiting list or reshuffling shall be taken in other cadres.

2. In view of the difficulties coming before the Government, the undersigned has been directed to state that, after due consideration, His Excellency the Governor is pleased to accord approval to substituting paragraph 2(2) of the Office Memorandum dated 15.11.1999 as under:

"2(2) – After receipt of the recommendations in respect of selected candidates, they must be made to assume charge; however, where the concerned department/institution/organization has been completely wound up, or where any Hon'ble Court has passed a contrary order, or where, due to defective requisition being sent/the posts mentioned in the requisition not being available, it shall not be mandatory to make the selected candidates assume charge."

3. The provisions of this Office Memorandum shall also be effective in those selections in which recommendations have already been made available by the Commission to the concerned departments.

4. Kindly ensure strict compliance with the above instructions at every level.

Sd/– [Illegible]

Principal Secretary

No. 28/5/80(1)-Ka-4-2014, Of the same date

Copy forwarded for information and necessary action to:

1. All Principal Secretaries/Secretaries, Government of Uttar Pradesh.
2. Secretary, Public Service Commission, Uttar Pradesh, Allahabad.
3. All Heads of Departments/Principal Heads of Offices, Uttar Pradesh.
4. Principal Secretary, Legislative Council/Legislative Assembly, Uttar Pradesh.
5. All Sections of the Secretariat.

By order,

Sd/– [Illegible]

Special Secretary

Digitally signed by :-
ASHUTOSH KUMAR PRAJAPATI
High Court of Judicature at Allahabad