

# **Bihar Engineering Service Rules, 1939**

BIHAR

India

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### **Rule BIHAR-ENGINEERING-SERVICE-RULES-1939 of 1939**

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Bihar Engineering Service Rules, 1939 Rules for the Regulation of Recruitment to and the Conditions of Service, Pay, Allowances and Pension of the Bihar Engineering Service, Class I for P W. D. (B. & R.) and Irrigation Department which is a provincial service constituted for the purpose of gradually replacing the Indian Service of Engineers.-Class I

## **Part I – General**

### **1. Short title.**

- These Rules may be called the Bihar Engineering Service Class I Rules, 1939. They shall come into force on the 1st of October, 1939.

### **2. Definitions.**

- In these Rules, unless there is anything repugnant in the subject or context.-(a)"the service" means the Bihar Engineering Service, Class-I;(b)"member of the Service" means a Government servant appointed to a post in the cadre of the service, but does not include a member of the Indian Service of Engineers;(c)"direct recruitment" means recruitment in the manner prescribed in Rules 9 to 16 of these Rules;(d)"inferior post" means any post in the service other than a superior post;(e)"promoted officer" means an officer promoted to the Service from the Bihar Engineering Service, Class II, either substantively or on officiating basis;(f)"superior post" means the post of Chief Engineer, Deputy Chief Engineer, Superintending Engineer, Executive Engineer, Undersecretary to the Provincial Government in the Public Works Department and such other posts as may be specially classed as superior by the Governor;(g)"the commission" means the Public Service Commission, Bihar.

## Part II – Cadre

### 3. Strength of cadre.

- The sanctioned strength of the service shall be as follows:-

	Permanent.	Temporary.
Chief Engineer	1	...
Deputy Chief Engineer	...	1
Superintending Engineers	4	6
Executive Engineers including Under-Secretary.	21	17
Total	26	24

Provided that:(a)the Governor may leave unfilled or hold in abeyance post, without thereby entitling any member of the service to compensation, and may increase or decrease the cadre by creating or reducing permanent or temporary posts from time to time, as may be found necessary; and(b)the number of members of the Service shall not at any time exceed the difference between the number of posts sanctioned for the time being and the sum total of the number of officers of the Indian Service of Engineers borne on the provincial cadre for the time being holding such posts plus the number of officers appointed against any such posts held in abeyance.

## Part III – Recruitment

### 4. Sources of recruitment.

- Recruitment to the Service shall be made-(i)by direct recruitment; and(ii)by promotion from the Bihar Engineering Service, Class II. Not less than one-third of the total number of superior posts shall be filled by promotion, provided that when no officer in the service who is fit to hold charge of a division is available, the proportion of superior posts filled by promotion may temporarily exceed one-third of the total number of superior posts :Provided further that the operation of this rule may be held in abeyance, if necessary, by order of the Governor for such time as he thinks fit, with a view to make outside recruitment of men of properly graded ages and experience to make up the strength of the Service in the initial stage.

### 5.

The Governor shall decide the number of vacancies to be filled by direct recruitment and by promotion whenever vacancies occur.

## Part IV – Qualification

## **6. Nationality and domiciles.**

- No person shall be appointed to the Service unless he is-(a)a citizen of the Indian Union;(b)of good character;Provided that as between two or more candidates of Indian domicile-(i)preference shall be given to candidates who are natives of the State of Bihar or whose parents are permanently domiciled therein according to such definition of domicile as may be laid down by the Governor from time to time;(ii)as between two or more candidates of the class referred to in proviso (i) who are graduates of Indian Engineering Colleges, preference shall be given to candidates who are graduates of the Bihar College of Engineering;(iii)if a candidate claims to be eligible by domicile, he shall produce a certificate of domicile in Bihar from the District Officer of the district in which he claims to be domiciled and shall attach it to his application.

## **7. Age.**

- A candidate for direct recruitment must be under 27 and over 25 years of age on the 1st day of August of the year in which the applications are invited:Provided that the Governor may relax the age limits in the case of candidate possessing special qualifications or experience :Provided further that in the case of candidates belonging to the scheduled castes and the backward tribes, the upper age limit shall be 30 years.Explanation. - For the purposes of this Rule and Rule 15-(i)"Scheduled castes" shall have the same meaning as in the Constitution of India;(ii)"Backward tribes" shall have the same meaning as in the Constitution of IndiaNote. - Persons who hold posts in Government service in a temporary or officiating capacity on probation are eligible to apply for direct appointment, provided that they are within the age limits prescribed in this Rule. Persons who have been confirmed in Government service are not eligible except that members of the Bihar Engineering Service, Class II are eligible for appointment by promotion in accordance with Rules 17 and 18 of those Rules.

## **8. Technical qualifications.**

- No person shall be appointment to the Service unless he holds a degree or diploma from an Indian Engineering College or is an Associate Member of the Institution of Engineers (India) or holds a degree from one of the Universities in the United Kingdom enumerated in the Annexure to these Rules, or has passed the examination mentioned therein.

## **Part V – Procedure for Direct Recruitment**

### **9. Procedure for direct recruitment.**

- The Commission shall advertise, in such manner as they think fit, the number of vacancies in the Service to be filled by direct recruitment and shall invite applications from candidates eligible for appointment to the Service.

## 10.

(a) Every candidate shall submit his application in his own hand- writing in the prescribed form to the Secretary to the Commission so as to reach the Secretary not later than on such date as may be notified by the Commission in this behalf in each year. Note. - The prescribed form and a copy of these Rules are obtainable from the Secretary to the Commission. (b) The application shall be accompanied by a Treasury Challan of Rs. 10 as application fee, which will in no circumstances be refunded. When the fee has been paid on a first application no fee will be payable on a subsequent application for the Service. (c) With his application a candidate must submit- (i) evidence that he holds one of the educational qualifications referred to in Rule 8 : (ii) certificates of character and conduct from the heads of all the colleges at which he has studied since he passed the Matriculation Examination; (iii) evidence, in the form of an acknowledgement from the District Officer of the district in which he ordinarily resides or in which he claims to be domiciled, that he has, not later than fourteen days before the date fixed under Rule 10(2), requested that officer to report to the Commission before the said date whether his character and antecedents are such as to render him suitable for appointment to the Service; Note. - A candidate shall, when requesting the District Officer to furnish a report to the Commission on his character and antecedents under sub-clause (iii) of clause (c), furnish as reference the names of two persons who know him in private life and are not relatives. Such references should not include College professors or principals unless they know the candidate at his home. A candidate must not file written testimonials. (iv) evidence of age, which shall ordinarily be the original Matriculation certificate or its equivalent in original; and (v) if he claims to be eligible for appointment under proviso (iii) of Rule 6, a certificate of domicile granted by the District Officer of the district in which he claims to be domiciled; (vi) a certificate of health and physical fitness from a registered medical practitioner in the prescribed form. Note. - The certificates and other documents required to be sent by a candidate shall be submitted in original. If any certificate or other document required cannot for any reason be submitted in original, a true copy of it may be sent, but in that case the copy should bear a certificate from a gazetted officer stating (a) that he has been the original and that the copy is a true copy and (b) the reasons why the original cannot be sent with the application.

## 11.

Any attempt on the part of a candidate to enlist support, for his applications through persons of influence or in any other manner will disqualify him for appointment.

## 12.

The Commission shall consider all applications received and shall interview such candidates as they consider likely to be suitable for appointment: Provided that the Governor may, if he thinks fit, appoint an officer to represent the Department. If an officer is so appointed, he shall be present at the interview and shall advise the Commission on the fitness of the candidates with reference to the special qualities required in the Service but he will not be responsible for the selection of the candidate. He shall have the right to submit his views to the Governor if they differ from those of the Commission.

**13.**

The Commission shall prepare a list of selected candidates the number of whom shall be such as may be fixed by the Governor.

**14.**

The Commission shall submit their list to the Governor with the applications of the selected candidates, by such dates the Governor may direct.

**15.**

The Commission shall while submitting recommendations under Rule 14, consider the claims of qualified candidates belonging to the scheduled castes, backward classes, backward tribes and Mohammedans. If the list of nominees submitted under Rule 14 does not contain a reasonable number of candidates belonging to the aforesaid castes, classes, tribes and communities, a supplementary list shall be submitted nominating a sufficient number of such candidates, as in the opinion of the Commission, attain the required standard of qualifications and are fit for appointment. The Commission shall further state how the candidates on the supplementary list compare with the candidates who are the lowest on the main list submitted under Rule 14.

**16.**

(a)The final selection of candidates shall be made by the Governor from amongst those who have been included in the list submitted by the Commission under Rule 14 or in respect of whom a report has been submitted in accordance with Rule 15 after considering the views, if any, submitted by the officer representing the department in accordance with Rule 12.(b)Every candidate so selected shall be examined by a medical board. A candidate who fails to satisfy the medical board shall not be appointed.Promotion of officers already in Government service.

**17. Procedure for recruitment by promotion.**

(a)When the Governor has decided that any vacancy or vacancies in the service shall be filled by promotion, the Chief Engineers will nominate for promotion of, officers from the Bihar Engineering Service, Class II, the nomination will be made by seniority and merit combined but more importance will be attached to merit. The officers nominated by the Chief Engineer shall be arranged in order of preference and the number should ordinarily be 50 per cent in excess of the number of vacancies to be filled.(b)The Chief Engineer shall submit the list of such candidates to the Governor who will direct such list to be sent to the Commission with all relevant papers including those for any officers whose supersession is proposed. After examination of the papers, the Commission shall submit their recommendations to the Governor.

## **18.**

The final selection of officers to be promoted shall be made by the Governor after considering the recommendations made by the Commission under Rule 17(b) and the officers so selected shall be promoted to superior posts.

## **Part VI – Training and Probation**

### **19. Period of Probation.**

- Officers recruited directly to the Service shall be on probation for two years and officers promoted from the Bihar Engineering Service, Class II, shall be on probation for one year. At any time during the probationary period the Governor may dispense with the service of an officer recruited directly after giving him one month's notice and may revert a promoted officer to his substantive appointment in the Bihar Engineering Service, Class II.(ii)An officer whose services are dispensed with or who is reverted under clause (i) shall not be entitled to any compensation.

### **20. Confirmation.**

- (i) A probationer shall be confirmed in his appointment provided there is a permanent vacancy; and(a)he has completed the prescribed period of probation;(b)he has passed the prescribed professional and departmental examination:Provided that nothing in this clause shall apply to promoted officer;(c)the Governor is satisfied that he is fit for confirmation.(ii)All confirmations under this Rule will be notified in the Bihar Gazette.

## **Part VII – Pay**

### **21. Scale of pay.**

(a)The pay of members of the Service shall be on the replacement scale, of £ 510-1155-Rs.  
510-25-610-30-670-E.B.-30-910-E.B.-35-1155Executive Engineers- \* Rs.  
890-35-1100-45-1,190-E.B.-45-1415Superintending Engineers and Deputy Chief Engineers- † Rs.  
1,340-65-1730-70-1870.Chief Engineer- †† Rs. 2050-100-2450.Additional Chief Engineer- \*\* Rs.  
2000-100-2300£ Substituted for Rs. 325-985\* Substituted for Rs. 730-1250.† Substituted for Rs.  
1200-1700.†† Substituted for Rs. 1850-2250\*\* Substituted for Rs. 325-985 All vide Replacement Scales.Note. - Officers of the Indian Service of Engineers holding posts in the service will draw pay at the rates sanctioned for the Indian Service of Engineers in the Superior Service Rules, 1924, as amended from time to time by the Secretary of State.(b)Pay in the senior scale shall only be drawn by a person who holds a superior post either substantively or as an officiating measure; a holder of an inferior post shall draw pay in the Junior scale.

## **22. Date from which pay and service for increments will commence.**

- Pay and service for increments shall commence from the date of joining the service. The period of probation will count for increments, but if it is extended on account of failure to give satisfaction no increments shall be drawn during the extended period of probation.

## **23. Promotion to Executive Engineer's grade.**

- No Assistant Executive Engineer shall be promoted to the rank of Executive Engineer until a vacancy occurs in a superior post and it is decided to fill it by the promotion of a directly recruited officer and he is declared by the Governor to be fit for the charge of a division.

## **24. Promotion to administrative grade.**

- Promotion to the post of Superintending Engineer and Chief Engineer shall be made by selection and seniority alone shall confer no claim.

## **25. Special pay for Under-Secretary to Government.**

- The Undersecretary to Government shall receive a special pay at the rate Rs. 200 a month or such amount as may be fixed by the Governor in addition to his substantive pay.

## **26.**

The initial pay of promoted officer shall be governed in accordance with Appendix 6 of the Bihar Service Code.

## **27. Seniority.**

- Seniority in the service shall be determined by the date of the officer's substantive appointment to the Service irrespective of the pay drawn by him provided that a member of the service who holds an inferior post substantively. The seniority of officers appointed on the same date shall be determined according to the order of merit in which they were placed at the time of their selection for appointment.

## **28. Leave pensions, etc.**

- The Rules framed from time to time governing the leave, pension, travelling allowance and other conditions of services relating to officers of the provincial services in Bihar shall apply to the members of the service in so far as they are not inconsistent with these Rules.

## 29. Special provisions.

- Subject to the provisions of the Rule 30 the post of Chief Engineer may be filled by the Governor or by an officer of the Indian Service of Engineers or of the Service.

## 30.

(1) So long as an officer of the Indian Service of Engineers is available for the appointment thereto no person who is not a member of the Indian Service of Engineers shall be appointed to any of the following posts in the Service, namely-(i) Chief Engineer; (ii) Deputy Chief Engineer; (iii) Superintending Engineer; (iv) Under-Secretary to Government: except with the approval of the Governor. (2) Where by reason of absence on leave or deputation no member of the Indian Service of Engineers is for the time being available for appointment to any of the post to which the provisions for sub-rule (1) apply, the provision to the sub-rule shall be in abeyance until a member of that Service becomes available. Annexure List of Engineering degrees from Universities of the United Kingdom and examination which will be accepted by the Government of Bihar as qualifying for appointment to the B. E. S. Class I, (vide Rule 8) (1) Engineering Degrees.

Oxford	... ..	B.A. with Honours in the Engineering Science. Final Honours School.
Cambridge	... ..	B.A. with Honours in Mechanical Science Tripos.
St. Andrews	... ..	B.Sc. in Engineering.
Glasgow	... ..	B.Sc. in Engineering.
Edinburgh	... ..	B.Sc. in engineering.
Dublin	... ..	B.A I (ordinary or with Honours in Engineering).
Durham	... ..	B.Sc. in Civil or Mechanical Engineering or in Naval Architecture (Honours or ordinary degree).
London	... ..	B.Sc. (internal degree) in Engineering, ordinary or with Honours (not including the B.Sc. in Engineering (Metallurgy)). The external degrees is also accepted to the same extent provided it is recognized by the Institution of Civil Engineers as exempting from Section A and B of the A.M.I.C.E. Examination.
Victoria University (Manchester)	... ..	B.Sc. with Honours in Engineering, B.Sc., Technical in Mechanical or Electrical Engineering (Honours division in the final Examination).
Birmingham	... ..	B.Sc. in Civil, Mechanical or Electrical Engineering (Honours or ordinary degrees).



Liverpool	... ..	B.Sc. Engineering in Civil, Mechanical or Electrical Engineering or Naval Architecture (Honours or ordinary degrees).
Leeds	... ..	B.Sc. in Civil, Mechanical or Electrical Engineering (Honours or ordinary degree).
Sheffield	... ..	B.Sc. Engineering in Civil, Mechanical or Electrical Engineering (Honours degree or ordinary degree) with a first class in the final examination.
Bristol	... ..	B.Sc. in Civil or Mechanical Engineering (Honours or ordinary degree).
University of Wales	... ..	B.Sc. (in Civil Mechanical or Electrical Engineering).
National University of Ireland	... B.E.	
Queen's University, Belfast	... B.Sc. in Engineering.	

Note. - The above degrees will be accepted only if taken after three years' study and the passing of the regular examination in the several Universities. The rule requiring three years' study will not, however, apply to Indians, who having taken an Indian Degree which exempts them from part of the University course shall have taken one of the above degrees in less than 3 years in accordance with the regulations of the University concerned. (2) A pass in section A and B at the Associate Membership Examination of the Institute of Civil Engineers, or (3) Associateship Examination of the City and Guilds Institute (Imperial College of Science and Technology, South Kensington) in Civil Engineering. Rules to regulate the method of recruitment to the Bihar Engineering Service, Class II, for Public Works Department (Buildings and Roads) and Irrigation Department. Class II

## Part I

"Service" means the Bihar Engineering Service, Class II. "Commission" means the Public Service Commission, Bihar.

### 1. The Service shall be recruited-

(i) by direct recruitment in accordance with the rules in Part II, or (ii) by the promotion or transfer of officer already in Government service, permanent or temporary, in accordance with the rules in Part III.

**2. The Governor shall decide in each year the number of vacancies in the service to be filled in that year by direct recruitment and by promotion respectively.**

## **Part II**

**3. Except under the special order of the Governor, a candidate for appointment to the service must be a citizen of the Indian Union.**

### **4. A candidate must-**

(a) be of an age not below twenty-three years and not exceeding twenty five years on the first day of August in the year in which applications are invited: Provided that the State Government may, in special cases, relax the age-limits: Provided further that in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes, the upper age-limit shall be twenty-eight years. Explanation - For the purposes of this Rule, 'Scheduled Castes' and 'Schedule Tribes' shall have the same meaning as in the Constitution of India. (b) be of good character; (c) be of sound health, good physique and active habits and free from organic defects or bodily infirmity; and (d) (i) hold a degree in Civil engineering from an Indian University or University or a diploma in Civil Engineering from an Indian Engineering College; or (ii) be an Associate Member of the Institution of Engineers, India or have passed Section 'A' and 'B' of the Associate Membership Examination of the Institution of Engineers (India) or possess any other educational qualifications recognised by the Institution of Engineers (India) as being equivalent to a pass in Sections 'A' and 'B' of the Associate Membership Examination; or (iii) hold a University degree or a diploma from a Civil Engineering College in the United Kingdom or be an Associate Member of the Institution of Civil Engineers. Note. - Person who hold posts in Government service in a temporary or officiating capacity or on probation are eligible to apply for direct appointment subject to the provisions of this Rule. Persons who have been confirmed in Government service are not so eligible except that- (i) members of the Subordinate Engineering Service and (ii) members of other services, possessing qualification specified in clause (d) are eligible for appointment by promotion or by transfer in accordance with procedure laid down in Part III of these Rules.

**5. (a) The Commission shall announce in such manner as they think fit the number of vacancies in the service to be filled by direct appointment in each year, and shall invite applications from candidates eligible for appointment under Rules 3 and 4.**

(b) The application shall be accompanied by a Treasury Challan for Rs. 5 as application fee, which will not be refunded. When the fee has been paid on a first application no fee shall be payable on a subsequent application for the Service. The fee of Rs. 5 shall be credited to the Government of Bihar under the head "\*XXI-Miscellaneous-Miscellaneous Department (Provincial)-Examination Fees-Fees realised by the Public Service Commission". \* Substituted for old XXXVI. (c) With his

application a candidate must submit true copies duly attested by a Gazetted Officer-(i)of an evidence that he holds one of the educational qualifications referred to in clause (d) of Rule 4;(ii)of certificate of character and conduct from the heads of all the colleges at which he has studied since he passed the Matriculation Examination;(iii)of an evidence, in the form of an acknowledgement form the District Officer of the district in which he ordinarily resides, or in which he claims to be domiciled that he has not later than 14 days before the date fixed under clause (a), requested that officer to report to the Commission before the said date whether his character and antecedents are such as to render him suitable for appointment to the service for which he is a candidate;Note. - While requesting the District Officer to furnish a report to the Commission on his character and antecedents, a candidate should furnish as references the name of the two persons who know him in private life and are not near relatives. A candidate must not file written testimonials and the reference furnished by him should not include College Professors or Principals unless they know candidate at home.(iv)a certificate of health and fitness from a registered medical practitioner, in the prescribed form;Note - Form of the certificates of health and fitness may be obtained from the Secretary to the Commission.(v)evidence of age which should ordinarily be the true and attested copy of the Matriculation certificate or its equivalent.

**6. The Commission shall consider all applications received and shall interview such candidates as they consider suitable for appointment:**

Provided that the Governor may if he thinks fit appoint an Officer to represent the Department. The Officer so appointed shall be present at the interview and shall advise the Commission on the apparent fitness of the candidates with reference to the special qualification required in the Service but he will not be responsible for the selection of the candidate. If the Commission differs from the advise of the Officer in respect of any candidate, they shall, when submitting their recommendations to Government, state their reasons for so doing.

**7. From among the candidates interviewed, the Commission shall select number of candidates as may be fixed by the Governor.**

**8. The Commission shall, while submitting recommendations submit a list of candidates selected by them arranged in order of preference together with their applications. This list shall be submitted by such date in each year as the Governor may direct.**

**9. The Commission shall, while submitting recommendations under Rule 9, consider the claims of qualified candidates belonging to the Scheduled Castes, Backward Classes, Backward Tribes and Muhammdans. If the list of nominees submitted under Rule 9 does not contain a reasonable member of candidates belonging to the aforesaid castes, classes, tribes and communities, a supplementary list shall be submitted nominating a sufficient**

**number of such candidates, as in the opinion of the Commission attain the required standard of qualification and are fit for appointment. The Commission shall further state how the candidates on the supplementary list compare with the candidates who are the lowest on the main list submitted under Rule 9.**

**10. (a) The final selection of candidates shall be made by the Governor from amongst the candidates mentioned in the list submitted by the Commission under Rule 9 or in respect of whom a report has been submitted in accordance with Rule 10.**

(b) Every candidate so selected, shall be examined by a Medical Board. A candidate, who fails to satisfy the Board shall not be appointed.

### **Part III – Promotion of officers already in Government service.**

**11. (a) The Chief Engineer, shall nominate for appointment to the Service such number of Officers not exceeding one and a half times the number of vacancies to be filled as may be fixed in each year by the Governor. The Officers nominated by the Chief Engineer will be arranged in order of preference.**

(b) The Chief Engineer shall send all papers relating to the candidates nominated by him direct to the Commission together with relevant papers of any Officer whose supersession is proposed and shall at the same time submit list of such candidates to the Governor.

**12. The Commission shall advise the Governor in respect of each candidate nominated whether his qualifications are sufficient and whether his record proves him to have the requisite character and ability for the service.**

**13. The final selection of Officers to be promoted shall be made by the Governor after considering the recommendations made by the Commission under Rule 12.**

#### **General**

**14. Any attempt on the part of a candidate to enlist support for his application through persons of influence or in any other manner will disqualify him for appointment.**

Rules regulating the method of recruitment to the Bihar Public Health Engineering Service, Class II.

## Part I

"Service" means the Bihar Public Health Engineering Service."Commission" means the Public Service Commission, Bihar.

### 1. The Service shall be recruited-

(i)by direct recruitment in accordance with the Rules in Part II,or(ii)by the promotion or transfer of officers already in Government service, permanent or temporary, in accordance with the Rules in Part III.

### 2. The Governor shall decide in each year the number of vacancies in the Service to be filled in that year by direct recruitment and by promotion respectively.

## Part II

### 3. Except under the special order of the Governor, a candidate for appointment to the Service must be a citizen of the Indian Union.

### 4. A candidate must-

(a)be of an age not below twenty-three years and not exceeding twenty-five years on the first day of August, in the year in which applications are invited provided that if he satisfies the Commission that he requires no further practical training in Engineering he may be of an age not exceeding twenty-six years on that date:Provided Government may in special cases relax the age-limit:Provided that in the case of candidates belonging to the Scheduled Castes and Backward Tribes, the upper age-limit shall be under 28 years.Explanation. - (i) For the purposes of this Rule and Rule 10 "Scheduled Castes" shall have the same meaning as in the Government of India (Scheduled Castes) Order, 1936; and (ii) "Backward Tribes" shall have the same meaning as in the Constitution of India.(b)be of good character;(c)be of sound health, good physique and active habits and free from organic defects or bodily infirmity; and(d)[i] hold a degree in Civil Engineering from an Indian University or a diploma in Civil Engineering from an Indian Engineering College; or[ii] be an Associate Member of the Institution of Engineers, India, or have passed Section 'A' and 'B' of the Associate Membership Examination of the Institution of Engineers (India) or posses any other educational qualifications recognized by the Institution of Engineers (India) as being equivalent to a pass in Sections 'A' and 'B' of the Associate Membership Examination; or,[iii] hold a degree or a diploma from a Civil Engineering College in the United Kingdom; or[iv] hold one of the qualification enumerated in Annexure to these Rules.Persons who hold posts in Government service in a temporary or officiating capacity or on probation are eligible to apply for direct appointment subject

to the provisions of this Rule. Persons who have been confirmed in Government service are not so eligible except that-(i) member of the Subordinate Engineering service and (ii) members of other services, possessing qualifications specified in clause (d), are eligible for appointment by promotion or by transfer in accordance with the procedure laid down in Part III of these Rules.

**5. The Commission shall announce in such manner as they think fit the number of vacancies in the Service to be filled by direct appointment in each year, and shall invite applications from candidates eligible for appointment under Rules 3 and 4.**

**6. (a) Every candidate shall submit his application in his own handwriting in the prescribed form to the Secretary to the Commission so as to reach him not later than such date as may be notified by the Commission in this behalf in each year.**

Note. - the prescribed form and a copy of these Rules are obtainable from the Secretary to the Commission. (b) The application shall be accompanied by a Treasury Challan for Rs. 5 as application fee, which will not be refunded. When the fee has been paid on a first application no fee shall be payable on a subsequent application for the Service. The fee of Rs. 5 shall be credited to the Government of Bihar under the head "XXI-Miscellaneous Departments (Provincial)-Examination Fees-Fees realised by the Public Service Commission". (c) With his application a candidate must submit-[i] evidence that he holds one of the educational qualification referred to in clause (d) of Rule 4; [ii] certificates of character and conduct from the heads of all the college at which he has studied since he passed the Matriculation Examination; [iii] evidence in the form of an acknowledgement from the District Officer of the district in which he ordinarily resides, or in which he claims to be domiciled, that he has, not later than 14 days before the date fixed under clause (a), requested that officer to report to the Commission before the said date whether his character and antecedents are such as to render him suitable for appointment to the service for which he is a candidate; Note. - While requesting the District Officer to furnish a report to the Commission his character and antecedents a candidate should furnish as references the names of two persons who know him in private life and are not near relatives. A candidate must not file written testimonials and the reference furnished by him should not include College Professors or Principals unless they know the candidate at home. [iv] a certificate of health and fitness from a registered medical practitioner, in the prescribed form; Note. - Forms of the certificate of health and fitness may be obtained from the Secretary to the Commission. [v] evidence of age, which should ordinarily be the original Matriculation Certificate; [vi] if he claims to be eligible for appointment under clause (b) of Rule 3, a certificate of domicile granted by the District Officer of the district in which he claims to be domiciled; [vii] if he claims to be eligible for appointment under clause (c) of Rule 3, evidence to show that he is so qualified; and [viii] the certificate and other documents required should ordinarily be submitted in original. If any certificate or other document required cannot for any reason be submitted in original, a true copy of it may be sent but in that case the copy should bear a certificate from a Gazetted Officer stating (a) that he has seen the original and that the copy is a true copy and (b) the reason why the original cannot be sent with the application.

**7. The Commission shall consider all applications received and shall interview such candidates as they consider suitable for appointment:**

Provided that the Governor may if he thinks fit appoint an Officer to represent the Department. The Officer so appointed shall be present at the interview and shall advise the Commission on the apparent fitness of the candidates with references to the special qualifications required in the Service but he will not be responsible for the selection of the candidate. If the Commission differs in from the advise of the Officer in respect of any candidate they shall, when submitting their recommendations to Government, state their reasons for so doing.

**8. From among the candidates interviewed, the Commission shall select such number of candidates as may be fixed by the Governor.**

**9. The Commission shall submit to the Governor a list of candidates selected by them arranged in order of preference together with their applications. This list shall be submitted by such date in each year as the Governor may direct.**

**10. The Commission shall, while submitting recommendation under Rule 9, consider the claims of qualified candidates belonging to the Scheduled Castes, Backward Classes, Backward Tribes and Muhammadans. If the list of nominees submitted under Rule 9 does not contain a reasonable number of candidates as, in the opinion of the Commission attain the required standard of qualifications and are fit for appointment. The Commission shall further state how the candidates on the supplementary list compare with the candidate who is the lowest on the main list submitted under Rule 9.**

**11. (a) The final selection of candidates shall be made by the Governor from amongst the candidates mentioned in the list submitted by the Commission under Rule 9 or in respect of whom a report has been submitted in accordance with Rule 10.**

(b) Every candidate so selected shall be examined by a Medical Board. A candidate who fails to satisfy the Board shall not be appointed.

**Part III – Promotion of Officers already in Government service.**

**12. (a) The Chief Engineer shall nominate for appointment to the Service such number of officers not exceeding one and a half times the number of vacancies to be filled as may be fixed in each year by the Governor. The**

**officers nominated by the Chief Engineer will be arranged in order of preference.**

(b)The Chief Engineer shall send all papers relating to the candidates nominated by him direct to the Commission together with relevant papers of any officer whose supersession is proposed and shall at the same time submit a list of such candidates to the Governor.

**13. The Commission shall advice the Governor in respect of each candidate nominated whether his qualifications are sufficient and whether his record proves him to have the requisite character and ability for the Service.**

**14. The final selection of Officers to be promoted shall be made by the Governor after considering the recommendations made by the Commission under Rule 13.**

General

**15. Any attempt on the part of a candidate to enlist support for his application through persons of influence or in any other manner will disqualify him for appointment.**

Annexure[See Rule 4(d) (iv).]List of Qualification.

**1. Associated Membership of the Institution of Civil Engineers.**

**2. Any of the following degrees-**

(a)The B.A. degree (final Honours School) in Engineering Science of the University of Oxford.(b)The B.Sc. degree in Engineering of the University of Glassgow.(c)The B.Sc. degree in Engineering of the University of Edinburgh.(d)The B.Sc. degree in Engineering of the University of London (either the ordinary or Honours degree for internal students), not the B.Sc. degree in Engineering (Mining) nor the B.Sc. degree in Engineering (Metallurgy).(e)The B.Sc. degree in Civil or Mechanical Engineering of the University of Bristol (Ordinary or Honours degree).Rules to regulate the method of recruitment to the Bihar Electrical Engineering Service, Class IIClass II

## **Part I**

"Service" means the Bihar Electrical Engineering Service."Commission" means the Public Service Commission, Bihar.



**1. The service shall be recruited-**

(i)by direct recruitment in accordance with the Rules in Part II; or(ii)by the promotion of officers already in Government service permanent or temporary in accordance with the Rules in Part III.

**2. The Governor shall decide in each year the number of vacancies in the service to be filled in that year by direct recruitment and by promotion respectively.**

**Part II – Direct appointment.**

**3. Except under the special orders of the Governor, a candidate for appointment to the service must be a citizen of the Indian Union.**

**4. A candidate must-**

(a)be under twenty-eight years of age on the first day of August, in the year in which his application is made:Provided Government may in special cases relax the age limit;(b)be of good character;(c)be of sound health, good physique and active habits and free from organic defects or bodily infirmity; and(d)[i] holds a degree in Mechanical and Electrical Engineering from an Indian University or a diploma in Mechanical and Electrical Engineering from an Indian Engineering College;[ii] holds a degree or diploma from an Electrical Engineering College in the United Kingdom; or[iii] holds one of the qualifications enumerated in Annexure I to these Rules;[iv] 'have had three years' practical experience or training in Electrical Engineering with a Company or firm of repute.

**5. The Commission shall announce in such manner as they think fit the number of vacancies in the service to be filled by direct appointment in each year, and shall invite applications from candidates eligible for appointment under Rules 3 and 4.**

**6. (a) Every candidate shall submit his application in his own handwriting in the form in Annexure II annexed to these Rules, to the Secretary to the Commission so as to reach him not later than such date as may be notified by the Commission in this behalf in each year.**

(b)The application shall be accompanied by a Treasury challan for Rs. 10 as application fee, which will not be refunded. When the fee has been paid on a first application, no fee will be payable on a subsequent application for the service.(c)With his application a candidate must submit-[i] evidence that he holds one of the educational qualifications referred to in clause (d) of Rule 4;[ii] certificate of character and conduct from the heads of all the Colleges at which he has studied since he passed the Matriculation Examination;[iii] a report from the District Officer of the District in which he

ordinarily resides, or in which he claims to be domiciled, whether his character and antecedents are such as to render him suitable for appointment to the service;[iv] a certificate of health and fitness from a registered medical practitioner;[v] evidence of age which should ordinarily be the original Matriculation Certificate; and[vi] the certificate and other documents required should ordinarily be submitted in original. If any certificate or other document required cannot for any reason be submitted in original, a true copy of it may be sent, but in that case the copy should bear a certificate from a Gazetted Officer stating (a) that he has seen the original and that the copy is a true copy, and (b) the reason why the original cannot be sent with the application.

**7. The Commission shall consider all applications received and shall interview such candidates as they consider suitable for appointment:**

Provided that the Governor may, if he thinks fit, appoint an Officer to represent the Department. The Officer so appointed shall be present at the interview and shall advise the Commission on the apparent fitness of the candidates with reference to the special qualities and qualification required in the service but he will not be responsible for the selection of the candidates.

**8. From among the candidates interviewed, the Commission shall select candidates whom they consider fit for appointment to the service, and unless the Governor otherwise directs the number of candidates so selected shall ordinarily be three times the number of vacancies to be filled up by direct recruitment in the year in which the selection is made.**

**9. The Commission shall submit to the Governor a list of candidates selected by them together with their applications. This list shall be submitted by such date in each year as the Governor may direct.**

**10. (a) The Governor may require the Commission to report the names of the best of the candidates belonging to any class or community, in addition to the number of candidates selected under Rule 8.**

(b) In submitting a report in accordance with clause (a) of this Rule, the Commission shall state in the case of each candidate who has not been selected by them under Rule 8-(i) whether the candidate is in their opinion fit for appointment to the service; and (ii) to what extent he is inferior to the candidates selected under Rule 8.

**11. (a) The final selection of candidates shall be made by the Governor from amongst the candidates mentioned in the list submitted by the Commission under Rule 9 or in respect of whom a report has been submitted in accordance with Rule 10.**

(b) Every candidate so selected shall be examined by a Medical Board. A candidate who fails to satisfy the Board shall not be appointed.

### **Part III – Promotion of officers already in Government service.**

**12. (a) The Chief Engineer shall nominate for appointment to the service such number of officers as may be fixed in the year by the Governor. The Officers nominated by the Chief Engineer will be arranged in order of preference.**

(b) The Chief Engineer shall send all papers relating to the candidates nominated by him direct to the Commission and shall at the same time submit a list of such candidates to the Governor.

**13. The Commission shall advise the Governor in respect of each candidate nominated whether his qualifications are sufficient and whether his record proves him to have the requisite character and ability for the service.**

**14. The final selection of Officers to be promoted shall be made by the Governor after considering the recommendations made by the Commission under Rule 13.**

General

**15. Any attempt on the part of a candidate to enlist support for his application through persons of influence or in any other manner will disqualify him for appointment.**

Annexure I List of examinations which will be accepted by the Governor as qualifying of appointment to the Bihar Electrical Engineering Service, referred to in Rule 4(d). (1) The graduate-ship examination of the Institution of Electrical Engineers. (2) The examination for a diploma in engineering (with electrical subjects) of any of the following institutions :- (a) The City and Guilds College, Kensington. (b) University College, London. (c) Kings College, London. (d) The City and Guilds of London Institute. (e) The Technical College, Finsbury. (f) The Royan Technical College, Glassgow. (g) The Heriot Watt College, Glassgow. (h) The University of Scheffiled. Annexure II Common Application Form Name of the province ..... Post applied for.....

1. Name of candidate in full in block capitals.
2. Address in full (any change of address should at once be reported to the Secretary to the Public Service Commission, Bihar, Patna.)  
Date of birth. (On this point evidence must be produced in original. A
3. Matriculation or High School or Cambridge Certificate, or a certificate of baptism, will ordinarily be accepted, if it contains a record of age).

4. Place of birth and the province or State in which it is situated.
5. Nationality at birth (whether a British subject or a subject of an Indian State).
6. Father's name and present or former occupation or profession. Father's address, if he is still alive.
7. Father's place of birth and the Province or State in which it is situated.
8. Father's nationality at birth (whether a British subject or a subject of an Indian State).
9. Period (if any) during which the candidate has lived in the Province in which he seeks an appointment. (A candidate who is not a native of the Province but who claims to be domiciled therein, must produce in original a certificate in support of his claim from the District Officer of the district in which he claims to be domiciled).
10. Religion and caste (or race)
11. (a) Home district  
(b) Candidate's mother-tongue  
(c) What other vernaculars (if any) he can read and write fluently-
12. Schools and Colleges at which educated-

{|

Serial No.	Name of school or college.	Date of joining.	Date of leaving.
1	2	3	4

12345

| - | 13. | Scholarship won (if any)... | - | 14. | Dates of passing and class obtained - | - |

Year.	Class or Division of pass.	Subject, if any, in which Honours were obtained.
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- (i) the Matriculation, High School or Cambridge School, Certificate Examination. (Strike out the alternatives which do not apply);
- (ii) the Intermediate Examination;
- (iii) the B.A. or B.Sc. Examination;
- (iv) Post-graduate Examination passed.

| - | 15. | Any positions of authority held or distinctions (other than scholarships) gained at school or college, e.g. in games, or in school or college societies. | - | 16. | Appointment (if any) so far held - | - |

Serial No.	Nature of post	Date of joining.	Date of leaving.	Salary.	Name and address of official superior or employer.
1	2	3	4	5	6

1234

17. Any other work done since leaving college with dates. 18. Posts, if any, for which the candidate has previously applied. The approximate date of each application and its result should be stated, also whether the candidate was selected for interview. 19. Whether the candidate has at any time been pronounced unfit for Government Service by a Provincial Medical Board or other duly constituted Medical Authority. 20. Relations, if any, in Government Service with their names, their relationship to the candidate and the appointment held by each. 21. List of testimonials from school or college authorities, or present or former employers, sent with the application. 22. Names, addresses and professions of two references, who should be responsible persons, not related to the candidate but well acquainted with him in private life, and not connected with his school or college.

Serial no. Name of reference Address Period for which he has known the candidate.

1	2	3	4
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12

I declare that the entries made in this form are true to the best of my knowledge and belief. Signature of candidate. Date.....19. Annexure III Regulations as to the Physical Examination of Candidates for appointment to the Bihar Electrical Engineering Service. General Physical Requirements I. A candidate must be in good mental and bodily health, and free from any physical defect likely to interfere with the efficient performance of his duty. II. In the examination of candidates the Medical Board will apply the following table to co-relation of age, height and chest girth :-

Age.	Height without shoes.	Chest measurement on full expiration.	Chest measurement on full inspiration.		
			Inches.	Inches.	Inches.
21 and upwards	Inches.				
	62 1/2	and under	65	30	32
	65	"	68	31	33
	68	"	70	32	34
	70	"	72	33	35 1/2
	72	and upwards	34	36 1/2	

III. Measurement of chest. - The candidate will be made to stand erect with his feet together and to raise his hands above his head. The tape will be carefully adjusted round the chest, with its posterior upper edge touching the inferior angles of the shoulder blades, and its anterior lower edge the upper part of nipples. The arms will then be lowered to hang loosely by the side, and care will be taken that the shoulders are not thrown upwards or backward so as to displace the tape. The candidate will then be directed to empty his chest of air as much as is possible. This is best done by continuous whistling with the lips as long as sound can be produced. The tape will be carefully gathered in during the process and when the minimum measurement is reached it will be recorded. The candidate will then be directed to inflate his chest to its utmost capacity, the maximum measurement will likewise be noted. The girth with the chest fully expanded and the range recorded. In all doubtful cases the functional capacity of the lungs may be tested by means of the spirometer. The minimum vital

capacity as tested by the spirometer shall in no case be below 180 cubic inches.IV. The hearing must be good.V. The speech must be without impediment.VI. the teeth must be in good order, i.e. decayed or broken teeth must be properly stopped or crowned, and deficient teeth replaced by artificial teeth, where necessary, for effective mastication.VII. the chest must be well formed, the lungs and heart sound.VIII. Rupture, hydrocele varicocele, varicose veins in a severe degree, or other conditions likely to cause inefficiency will disqualify a candidate, unless such condition is cured by operation. Where any candidate has been rejected and has subsequently undergone one or other operation for hernia, hydrocele, varicocele or varicose veins, the Board may pass him provided they are satisfied that the condition has been radically cured.IX. The limbs, feet and toes must be well formed and developed, with free and perfect motion of all the joints.X. A candidate must have no congenital malformation or defect likely to interfere with his efficiency.XI. A candidate must not be subject to chronic skin disease.XII. Evidence of previous acute or chronic disease pointing to an impaired constitution will disqualify.

### **1. Standard of minimum acuteness of vision required for appointment in the Bihar Electrical Engineering Service.**

Better eye      Worse eye

Vision = 6/6    Vision = 6/9

after correction with glasses, provided there are no morbid changes present in the choroid or retinae.

### **2. Cases of myopia with posterior staphyloma may, however, be admitted provided ametropia in either eye does not exceed 2.5 D. and no morbid changes are present in the choroid or retinae.**

A candidate of twenty-five years of age or over may be admitted provided ametropia in either eye or both eyes does not exceed 3.5 D. and provided his corrected vision reaches 6/6 in each eye.

### **3. Candidates with hypermetropia may be admitted provided the acuteness of vision is-**

Better eye      Worse eye

Vision = 6/6    Vision = 6/9

after correction with glasses.

### **4. In cases of defective vision due to nebula of the cornea, the candidate will be rejected.**

**5. Squints or any morbid condition subject to risk of aggravation or recurrence in either eye may cause rejection of a candidate.**

**6. Colour vision need not be taken into account.**

Form of Medical certificate for candidates for appointment to the Bihar Electrical Engineering Service. The attention of the Medical Board is specially directed to the following—No person will be deemed qualified for admission to the service who shall not satisfy the Governor that he has no disease, constitutional affection or bodily infirmity unfitting him, or likely to unfit him, for the service. It should be understood that the question of fitness involves the future as well as the present and that one of the main objects of medical examination is to secure continuous effective service, and in the case of candidates for permanent appointment to prevent early pension. It is at the same time to be noted that the question is one of the likelihood of continuous effective service, and that the rejection of a candidate need not be advised on account of the presence of a defect which in only a small proportion of cases is found to interfere with continuous effective service. Before filling up the form it should be ascertained from the candidate whether he has been previously pronounced unfit for Government service by any duly constituted Medical Authority in India or elsewhere. Signature of candidate in full.....Height (without shoes).....Girth of chest.....Weight.....We do hereby certify that we have examined.....a candidate for employment in.....His age is by his own statement..... years and by appearance..... years.\* The candidate states that he has been previously examined and rejected by a Medical board in the following occasion (s)

Years. Service for which medically examined. Reason for rejection, If known.

\* Strike out this paragraph if the candidate states that he has not been previously examined. We have had before us the proceeding (s) of the board (s) which examined him in the.....

(a) General conformation.....

Right Eye.

Left Eye.

(a) uncorrected

(b) Vision

(b) corrected

(c) nature and degree of defect

(c) Teeth

(d) Hearing

(e) Lungs

(f) Heart

(g) Liver

(h) Spleen

- (i) Hernia, present or absent\*
- (j) Hydrocele, present or absent\*
- (k) Glycosuria, present or absent\*
- (l) Albuminuria, present or absent\*
- (m) Distinguishing marks...

\* Strike out "present" or "absent" in (i), (j), (k) and (l) as the case may be. We consider that he is of sound health and good physique and capable of bearing fatigue and exposure, and that he is fit to enter the service of Government. Strike out whichever of these does not apply. We consider him unfit to enter the service of Government on account of+...

Name ... .. President.

Designation ... ..

Name ... .. Members

Designation ... ..

Name ... ..

Designation ... ..

Place ... ..

Date ... ..

+ Here specify cause of rejection. Appendix I (See Paragraph 8.) Rule regarding appointments, promotion, etc., applicable to the Bihar Subordinate Engineering Service. Appointment.

**1. All permanent appointment to the Bihar Subordinate Engineering Service either by absorption of temporary or work-charged Overseers and Estimators, or by direct recruitment, will be made by the Chief Engineer, provided that, in the case of direct recruitment (permanent or temporary) appointment will be made on the advice of the committee of senior officers constituted for the purpose. The committee will consist of three members including the Chief Engineer who will be nominated by him with the approval of Government in the Public Works Department from time to time.**

Qualifications Required of Candidates.

**2. A certificate of diploma in the Subordinate Engineering in the respective branches of Engineering from any institution recognised by the State Government for this purpose will be the minimum technical qualifications required.**

Probation.



**3. Every person shall, on appointment in a substantive vacancy in the cadre of the Service shall be on probation for a period of one year from the date on which he joins his appointment, provided that in the case of a person, who is appointed from the temporary or work-charged establishment in the department, the Chief Engineer may prescribe a shorter period of probation. Until confirmed every such member of the service shall unless his appointment is terminated, continue to hold his appointment on probation.**

**4. In case in which probationers are not confirmed on completion of the period of their probation their increments will be held up until they are confirmed and on confirmation, their pay will be fixed as if the increments had been earned on the due dates but pay at the enhanced rate allowed only from the date of confirmation without payment of arrears.**

**5. No member of the service shall be allowed to draw any increment in the time scale of pay of the posts without the orders of the Chief Engineer until he is confirmed.**

Withholding of Increments and Passing at the Efficiency Bar and Promotion to Posts Carrying Higher Scale of Pay in the Cadre.

**6. The withholding of any increment, the passing of the efficiency bar and promotion to post carrying higher scale of pay in the cadre will require the approval and order of the Chief Engineer.**

Appendix II(See Paragraph II.)Instruction for preparation and submission of Annual and Confidential Reports on Gazetted Officers and communication of adverse remarks to them.I. General.

**1. Instructions regarding the exercise of close and continuous attention over the work character and capacity of all officers and the maintenance of a continuous record of their services, have been issued by Government, from time to time. The up-to-date position regarding these instructions is produced in the succeeding paragraphs.**

**2. The record is to be written up annually for each financial year and should be in the form prescribed by Government for the purpose (copy appended).**

**3. Each report must be complete in itself without a reference to the previous report. It should be written up in a concise manner but at the same time it should indicate clearly and with sufficient completeness, the manner in which the Officer has performed his duties during the year under report, his qualifications, ability, honesty, and integrity and anything else that may be of help to the authority with whom the power of making promotions rests, in forming an opinion on the usefulness and capacity of that Officer, and also his fitness for advancement to the next higher rank.**

**4. An officer who has held charge of post of more than six months should, when going on long leave or transfer record remarks on the officers employed under him and these remarks should be incorporated in the annual reports together with the reporting officer's own opinion.**

Note. - No such report need be left by the officer proceeding on leave or transfer if such reports were earlier recorded by him within four months.

**5. Ordinarily no remarks should be recorded on an Officer unless he has worked under the reporting officer for at least four months. In cases where the reporting officer feels that he is in a position to record his opinion on an officer who has served under him for less than four months, he may do so but he should exercise great care, particularly before recording any adverse remarks.**

## II. Submission of Annual Reports.

**6. The procedure for submission of Annual Reports on Officers of the Engineering Service in the Public Work Department, is indicated below :-**

(a) All annual reports will be recorded on forms prescribed by Government for the purpose. Reports should be prepared in respect of all posts held by an officer in a financial year. (b) Annual Reports relating to a financial year should reach Government by the 1st June at the latest. (c) Reports on Assistant Engineers shall be recorded by the Executive Engineer concerned and submitted to Government through the Superintending Engineers and the Chief Engineer. (d) Report on the Executive Engineers shall be recorded by the Superintending Engineers concerned and submitted to the Chief Engineer for submission to Government after recording his own remarks. Note. - The original reports on Executive Engineers and Assistant Engineers will be retained by the Chief Engineer who will only forward copies thereof to Government. (e) Reports on the Superintending Engineers will be recorded by the Chief Engineer.

**7. In recording the Annual Reports on Executive Engineers and Assistant Engineers, the reporting officers concerned should carefully observe the instructions printed on the body of the forms.**

III. Communication of Adverse Remarks.

**8. (a) Orders of Government shall be obtained on each individual case before communicating adverse remarks to Gazetted Officers. Adverse remarks on the work of officers of the ex-Secretary of State Services should not be communicated without the approval of the Chief Minister and Government will also decide the form in which the remarks are to be communicated.**

(b)When a report is built up on the individual opinions recorded by different department superiors, it is only the opinion as accepted by the highest authority which need be considered from the point of view of communication.(c)All defect remediable as well as irremediable should be communicated to the officers concerned. It is fair that an officer should be made aware of any defect in him to which attention has been drawn in the Annual Report.(d)When an adverse remark is to be communicated, the substance of the whole report for the year, including favourable and infavourable remarks, should be communicated. Normally commendatory remarks should not be communicated but commendatory remarks following a previous adverse report should also be communicated only to the extent they show any improvement over the defects noticed in the previous year.Minor defects may be communicated orally by the Chief Engineer, either directly or through the officers' immediate superior, indicating also the good points in the report. Serious defects should always be communicated to the officers concerned in writing.(e)While communicating adverse remarks the name and designation of the reporting officer should, under no circumstances, be indicated.Appendix III(See Paragraph 55).Rules for the Departmental Examination of Officers and Subordinate of the Public Works Department (Roads & Buildings and Irrigation).

**1. Assistant Engineers of the Public Works Department must pass the prescribed Departmental Examination in language and law which will be conducted under the direction and control of the Central Examination Committee and will take place at the same time as the half-yearly Departmental Examination of Assistant Magistrates.**

Officers of the Electrical Department must pass in Hindi by the Lower Standard within two years of joining their appointment.An Officer who fails to pass the examination within this period will receive no further increments of pay until the examination is passed.

**2. Overseers of the Subordinate Engineering Service and ziladars who were on the permanent establishment on the 10th October, 1941, may appear in the examination in law part A, after having received permission from their Superintending Engineers. Ziladars appointed on probation after the 10th October, 1914 are required to pass the examination in part A before the expiry of their Probationary period. (Upper Subordinates and) Overseers of the Subordinate Engineering Service who have passed the examination, if placed in charge of an irrigation subdivision, will be vested with the power of a Canal Officer.**

**3. An Officer who fails to pass his Departmental Examination within the prescribed times, viz., for languages within the periods prescribed in Rule 5 below and for law (Part A, B and C) within two years of joining his appointment will receive no further increments of pay until the examination is passed.**

The penalty for delay in passing will ordinarily cease to operate when the Officer passes the examination; on passing he will be placed in the same position with regard to future increments as if he had passed in the ordinary case, but he will receive no refund in respect of the increments withheld before he passed. If an Officer fails to pass within a reasonable time after his appointment, the State Government may in addition punish him with loss of position on the incremental scale.

**4. In exceptional cases when, owing to the exigencies of the public service, or to illness, or to other circumstances beyond his control, an Officer is unable to pass the Departmental Examination within the prescribed period, the State Government may grant an extension of time for such period as they may consider necessary. If the officer passes within this further period no penalty will be enforced.**

Examination in Languages.

**5. The examination in the vernacular languages will be conducted under the following Rules:-**

Lower Standard. (a) Transliteration and translation from the vernacular- (i) part of a khasra and document connected with the work of an Irrigation Officer, such as a petition of complaint about supply of water, shall be transliterated into the Roman character and shall also be translated into English; (ii) a contractor's bill and a document connected with the work of an Officer employed on roads and buildings shall be similarly transliterated and translated. The time allowed for each of these papers will be two hours and the papers will be fixed for different times. The maximum marks

for each paper will be 30 marks for transliteration and 30 marks for translation. The marks awarded for transliteration and the marks awarded for translation will be separately added together and a candidate who secures on the two papers 30 marks for transliteration and 30 marks for translation will be held to have passed in these subject. (b) Translation from English into the Vernacular—Three short and simple passages will be set for translation from English into the Vernacular. One passage will deal with subject connected with irrigation, one with subjects connected with roads and buildings, and the third with a short document of account such as a khasra or contractor's bill. The time allowed for this paper will be two hours and the maximum marks for each passage will be 30 and pass marks 45 for the three passages. (c) Viva voce examination in the Vernacular—(i) the examinee will be tested in conversation with languages of various classes in such a manner as to satisfy the officers who will conduct the viva voce examination that he can make himself easily understood by them; (ii) an ordinary piece of English narrative prose will be handed to him, and after being allowed to read it through, he will be required forthwith to give a fluent oral translation of it. The piece should deal with matters with which the examinee is likely to be familiar. Note. - For the examination in Hindi the character will be Kaithi. Examination in Law.

**6. The examination in Law will consist of papers (parts A and B) and an examination in criminal case work (part C). Officers will be allowed to pass separately in either part A, B or C. The Irrigation Manual and the text of the laws referred to may be used for reference; copies will be provided by the Examination Committee.**

**7. the following table shows the particulars of marks assigned to each subject and the time allowed :-**

Subject of examination.	Maximum marks.	Pass marks.	Time allowed.
Law, part "A"	120	60	3 hours.
Law, part "B"	120	60	3 hours.
Examinations in cases, part "C"	120	60	To be determined by the Examination Committee.

**8. Part A will comprise the following Act and Regulations :-**

(i) Cattle Trespass Act, I of 1871, as amended by Act, I of 1891. (ii) Bengal Irrigation Act, III (B.C.) of 1876, as amended by Act, VII of 1880 and Act, I of 1903 and the Rules thereunder. (iii) Indian Penal Code (Act XLV of 1860)–

**Chapter II**  
**, Sections 6, 21, 38, 51 and 52.**

### **Chapter III**

**, Sections 53, 60 and 64 to 70.**

### **Chapter IV**

**, Sections 76 to 85**

### **Chapter V**

**, Sections 107 to 109**

### **Chapter X**

**, Sections 172 to 175, 178 to 181 and 186 to 188**

### **Chapter XI**

**, Sections 191 to 193, 224 and 228.**

### **Chapter XVII**

**, Sections 125 to 140.**

(iv) Evidence Act (I of 1872 as amended by XVII of 1872-

### **Chapter I**

**, Sections 1, 3 and 4.**

### **Chapter II**

**, Sections 5 to 11, 13 to 16, 24 to 30, 32 to 39, 43, 47 to 49, 53 and 54.**

### **Chapter IV**

**, Sections 59 and 60.**

### **Chapter V**

**, Sections 61 to 66, 67, 73, 79, 83, 87 and 90.**

**Chapter VI**  
**, Sections 91 to 93 and 98.**

**Chapter VII**  
**, Sections 101 to 106.**

**Chapter IX**  
**, Sections 118 to 127, 129, 132 and 133.**

**Chapter X**  
**, Sections 137 to 155, 159, 161 and 165.**

(v)Criminal Procedure Code (Act V of 1898)-

**Chapter I**  
**, the whole.**

**Chapter II**  
**, Sections 6, 10,11, 12 and 17.**

**Chapter III**  
**, Sections 28, 29, 32, 35, 37, 39, and 40.**

**Chapter IV**  
**, Sections 42, 43 and 45.**

**Chapter V**  
**, Sections 46 to 53, 57, 60, 61, 64 and 65.**

**Chapter VI**  
**, the whole.**

**Chapter VII**  
**, Sections 94, 96 and 104.**

**Chapter IX**  
**, Section 127.**

**Chapter XIV**  
**, the whole.**

**Chapter XV**  
**, Sections 177, 179, 180, 182, 183, 186, 187, 190, 191, 192 and 195.**

**Chapter XVI**  
**, the whole.**

**Chapter XVII**  
**, the whole.**

**Chapter XIX**  
**, the whole.**

**Chapter XX**  
**, the whole.**

**Chapter XXI**  
**, the whole.**

**Chapter XXIV**  
**, Sections 340 to 347 and 349 to 352.**

**Chapter XXV**  
**, the whole.**



**Chapter XXVI**  
**, Sections 336, 367, 371 and 372.**

**Chapter XXVIII**  
**, Sections 384 to 389, 397 and 400,**

**Chapter XXX**  
**, Sections 407, 418 to 423 and 430.**

**Chapter XXXII**  
**, Section 335.**

**Chapter XXXIII**  
**, Sections 443, 445 and 453;**

**Chapter XXXV**  
**, Sections 476, 480, 481, 482, 484, 485 and 487.**

**Chapter XXXVIII**  
**, Section 495.**

**Chapter XXXIX**  
**, the whole.**

**Chapter XL**  
**, Sections 503, 505 and 506.**

**Chapter XLI**  
**, Sections 511 and 512.**

**Chapter XLIII**  
**, Sections 517 and 518.**

## **Chapter XLIV , Section 528.**

## **Chapter XLV , Sections 529 to 531, 535 and 537.**

## **Chapter XLVI , Sections 540, 543 to 545, 547, 548, 556 and 558.**

(vi) Circular Order of the High Court (Criminal) No. 6, dated the 18th November, 1901, Sections I and II.

### **9. Part B will comprise the following Acts and Regulations :-**

(i) Canals Navigation Act, V (B.C.) of 1864. (ii) Land Acquisition Act, I of 1898, Parts I to VI. (iii) Drainage Act, VI (B.C.) of 1880. (iv) Embankment Acts XXXII of 1855, VII (B.C.) of 1886 and II (B.C.) of 1882. (v) The Bihar Public Irrigation Works Act XI of 1930. (vi) The Bihar and Orissa Private Irrigation Works Act, V of 1922 as modified to the 16th October, 1939. (vii) Rules made under these Acts.

### **10. Part C (examination in cases) will be conducted as follows :-**

A case not being of a special difficulty confined to Roads and buildings/ Irrigation subject should be selected by the Secretary to the Central Examination Committee for Roads and Buildings/Irrigation/Officers. In selecting a case it should be remembered that officers will only exercise magisterial powers under Act III (B.C.) of 1876 (Bengal Irrigation Act). The case selected shall ordinarily be in the court vernacular in which the Officer is to be examined. The case will be read out by an Indian Official. Where possible the case will be read either to each candidate separately, or to small batches. The candidate must write his notes of evidence as the reading proceeds just as he would do were he actually trying the case. At the conclusion of the case the candidate, who may refer to his books, must write a judgement on the question or questions at issue, with a statement of reasons; Europeans should write the judgement in English; Indians may write the judgement in their own Vernacular or in English.

**11. The Officers who will be selected by the Central Examination Committee to examine the papers in cases under Rule 10 give their opinions on the merits of each candidate's judgement and decide whether he should be considered to have passed. The papers should not be submitted to the Central Examination Committee.**

## **Part II – Rules dealing with the professional examination of Assistant Executive Engineers, Assistant Engineers and Assistant Electrical Engineers.**

- 1. All Assistant Engineers of the P.W.D. (B. & R.), Public Health Engineering Department, Irrigation and Electricity Departments must pass the professional examination prescribed in Bihar Public Works Department Code, paragraph 55 within three years of joining their appointments in the State.**
- 2. On first appointment these officers will be employed in such a manner as will afford them the experience of work necessary, to enable them to pass the examination laid down in these Rules and will personally compile for one month the accounts of a subdivision including the checking of measurement books, preparation of bills and posting of day books, contractor's ledgers and other sub-divisional registers. They will subsequently spend a period of at least fifteen days in a divisional office where, with the Accountant's assistance, they will compile the divisional accounts of the month.**
- 3. No officer will be permitted to appear for the examination until he has undergone the training prescribed in Rule 2 and in addition has been satisfactorily reported on by the Executive Engineer and Superintending Engineer as regards his physical energy and efficiency in practical work and his capacity to manage those under his authority. A special report regarding these qualifications will be submitted to the Chief Engineer when an officer applies for permission to appear for examination.**
- 4. Examinations will ordinarily be held at half-yearly intervals in December and June and will be conducted by a committee convened by the Chief Engineer composed of the Superintending Engineer as President and two Officers of the engineering establishment as members. The President will submit the report of the Committee with his observations and recommendation to the Government, who will decide which Officers are deemed to have passed the test and will publish their names in the Bihar Gazette.**

## **6. The examination will be such as to test-**

(a)The knowledge of an Officer regarding the localities where he has been employed as to-[i] their resources for the raw materials of engineering construction;[ii] the processes for preparing materials for engineering construction;[iii] the methods and costs of engineering constructions;[iv] the dealings with contractors and management of work people.(b)His acquaintance with the Rules of the Public Works Department Code as far as they concern an Assistant Executive Engineer or Assistant Engineer and his knowledge of the accounts of a subdivision. The Officer will be expected to show that he is sufficiently acquainted with those portions of the Government publication mentioned below;-Public Works Department Code, 10th Edition, Chapter II, III and IV, Public Works Account Code, Chapters VI, VII and X; Bihar and Orissa Account Code, Chapters I, II, VIII and IX; Bihar and Orissa Service Code, Chapters II, VI excepting Rules 191-192, 200-206, 208-210, 213-217, 222-224, and 239-246, Chapter VII excepting Rules 304-305,310,312-313 and 333-334, Chapter VIII and Appendix 15.(c)His ability to design and estimate works.

**6. The Examination will be mainly oral but the Examining Committee will prepare three separate papers for testing an Officer's knowledge of the matters mentioned in Sections (a), (b) and (c) of Rule 5 and assign marks to each question of which the examinee will be expected to obtain and aggregate for each paper of at least 50 per cent to qualify for a pass.**

For the test under section (b) of Rules 5 reference to Government publications will be permitted. The test under Section (c) of Rule 5 will be such as does not require report to books of reference. Copies of papers set and statements of marks earned for each question will be submitted to the State Government.

**7. In the event of an Officer failing to pass the examination within the period specified in Rule 1 his increments will be withheld and arrears of increments so withheld will not be granted to him on his passing the examination except in special cases where his failure to pass has been due to the circumstances beyond his own control. Failure to pass the examination within the prescribed period will not however affect the amount of an officer's salary when he has subsequently passed the examination and he will then be entitled to the rate of pay corresponding to the length of his service. In exceptional cases, when, owing to the exigencies of the public service or illness, an prescribed period the State Government may grant such extension of time as they may consider necessary, and if the officer passes within this further period, no penalty will be enforced.**

Appendix VI[See paragraph 56]Application for Post Rules

**1. These Rules may be called the Bihar Government Servants' Application for Post Rules, 1951.**

**2. An applicant for appointment to a post or service under administrative control of the Government of Bihar shall not be eligible for appointment if he is in the service of the Union or of a State and has applied without the consent of the head of the office or Department of the Government of Bihar or the consent of another State Government or of the Government of India, as the case may be, under whom he is employed, or the consent of any authority empowered in that behalf by any such Government.**

**3. Permission to a Government servant employed in a service under the administrative control of the Government of Bihar shall-**

(a) if he is a temporary Government servant ordinarily be granted to submit an application for a post to appear for an examination for a post or for transfer of service to a post, in another office or department, of the Government of Bihar, or under another State Government or the Government of India, if the post applied for is permanent, or is a higher grade, or is a temporary post of longer duration : Provided that the Plead of the office or Department of the Government of Bihar or the authority empowered under Rule 2 may not grant the permission, if in his opinion the grant of permission would not be consistent with the interests of the public service. (b) if he is a permanent Government servant- (i) ordinarily be granted for appointment to, or for appearing at a examination for selection for appointment to an All-India Service; (ii) ordinarily be not granted except for very exceptional reasons to be recorded in writing, for appointment to a post or service under another State Government; (iii) ordinarily be not granted to submit an application for a post or for transfer of service to a post in another office or department of the Government of Bihar, unless the Plead of the Department or the office or the authority empowered under Rule 2, is of the opinion that the grant of permission would be in the interest of public service: Provided that in the case of a Government servant, who holds a lien on a post under another State Government or under the Government of India but is temporarily employed under the administrative control of the Government of Bihar, the concurrence of the State Government concerned or of the Government of India, as the case may be, shall be obtained before permission is granted.

**4. A Government servant employed under another State Government or under the Government of India shall not be accepted as a candidate for appointment to a post or service under the administrative control of the Government of Bihar save and except with the permission of the Government concerned.**

**5. The authority forwarding an application under these Rules will decide, in each case the period likely to be taken for relief of the applicant, after intimation of his appointment has been received.**

Appendix V[See paragraph 58.]Temporary Service DeclarationI do hereby declare that I fully understand that my appointment as a..... in the Public Works Department on a salary of Rupees..... a month in the scale of.....is temporary, and that I am on the footing of a monthly servant; that my employment carries with it absolutely no claim whatsoever to pension, and claim to any absentee allowances excepting those conditionally admissible under the Rules in force from time to time and that my pay shall be subject to the general cut that may be in force.

**2. I do also declare that I clearly understand that, with or without notice, my engagement absolutely ceases as soon as the time for which I am engaged expires, or the work for which I have been engaged is finished whichever is earlier and that I shall not be entitled to a month's notice, or to pay in lieu of notice unless I am discharged otherwise than for serious misconduct before the completion of the work or termination of the period for which I am appointed.**

**3. If I desire to resign my appointment I shall give a month's notice of my intention to do so or forfeit a month's pay in lieu of such notice.**

Signature of Appointee.Station.....Dated.....