



2026:UHC:3698-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

14th May, 2026

Special Appeal No. 144 of 2026

Iqrar Hussain and others -----Appellants

Versus

State of Uttarakhand and others
-----Respondents

Presence:-

Mr. Abhishek Pant, learned counsel, holding brief of Mr. M.C.Pant,
learned counsel for the petitioners.
Mr. Rajeev Bisht, learned Additional C.S.C. for the State.

JUDGMENT: (per Manoj Kumar Gupta, C.J.)

1. The present *intra court* appeal is directed against the order of learned Single Judge dated 07.04.2026 in Writ Petition (S/S) No. 434 of 2025 whereby the writ petition filed by the appellants has been dismissed, as also the order dated 18.4.2026, by which, the application seeking correction in the order dated 07.04.2026 has also been rejected.

2. It appears that the appellants feeling aggrieved by the decision of respondent nos. 1 and 2 dated 20.01.2025 rejecting their representations for creation of a five-post promotional structure in the service cadre, filed the writ petition. The learned Single



Judge has disposed of the Writ Petition by quashing the impugned order dated 20.01.2025 holding that in every service, in order to increase efficiency, there ought to be promotional avenues, as laid down by the Supreme Court in *Food Corporation of India and others vs. Parashotam Das Bansal and others*, reported in 2008 (5) SCC 100. However, at the same time, the Writ Court has observed that the employee cannot claim that the promotional structure should consist of 5 posts.

3. Learned counsel for the appellants submits that the observations made by learned Single Judge while remitting the matter back to the Secretary, Higher Education for re-consideration of representation for creation of promotional avenues, to the effect that it should not necessarily consist of five posts is likely to cause serious prejudice to the case of the appellants.

4. He further submitted that in the order of learned Single Judge dated 07.04.2026, there is a typographical error while recording the designation of the appellants. It is stated that the appellants are working as 'Lab Assistant' and not 'Lab Attendant', as



was mentioned in paragraphs 2 and 3 of the order of learned Single Judge dated 07.04.2026. The learned Single Judge erred in rejecting the correction application.

5. We have considered the submissions made by learned counsel for the appellants and perused the record.

6. The learned Single Judge, as noted above, has set aside the order passed by the Secretary, Higher Education dated 20.01.2025, declining to create any promotional avenues for the post of Lab Assistants. The learned Single Judge, has rightly observed, relying on *Food Corporation of India and others (supra)* that every service should have promotional avenues to avoid stagnation and improve efficiency.

7. We also concur with the view of learned Single Judge that no employee can claim that the promotional avenue should necessarily consist of a five-post hierarchy, as such matter squarely fall within the domain of the employer. Accordingly, on merits, we find no illegality in the order of the learned Single Judge.



8. As regards, the correction sought, we observe that there is typographical error and accordingly, we hereby provide that the description of the designation of the appellants in the order of learned Single Judge dated 07.04.2026 would be read as 'Lab Assistants' and not 'Lab Attendants'.

9. The office shall ensure that whenever certified copy of the order dated 07.04.2026 is applied for and is issued, a copy of the instant order shall also be attached along with it.

10. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 14.05.2026
Kaushal