

**IN THE HIGH COURT AT CALCUTTA
(CONSTITUTIONAL WRIT JURISDICTION)**

APPELLATE SIDE

Present:

The Hon'ble Justice Partha Sarathi Chatterjee

WPA 2259 of 2024

Anup Purkayastha

-Vs.-

Union of India & Ors.

For the Petitioner : Mr. Partha Sarathi Bhattacharya, Sr. Adv.,
Mr. Raju Bhattacharya.

For the Respondent Nos. 2 to 6 : Mr. Sukanta Chakraborty,
Mr. Anindya Halder.

Heard on : 08.04.2025

Judgment on : 29.04.2025

ParthaSarathiChatterjee, J.:-

Prelude:

1. The primary issue for determination in this writ petition is whether the respondents were justified in denying the petitioner a promotion on the ground that he obtained his postgraduate degree through distance education.

2. However, before delving into the contentious issue, it would be appropriate to first outline the key facts as revealed in the pleadings and the documents relied upon by the parties.

Petitioner's case:

3. The petitioner completed his B. Com from the University of Calcutta and subsequently pursued various certificate and diploma courses in Social Work (Labour Welfare) from different institutions. He later obtained a Master's degree in Business Administration with a specialization in Human Resource Management from Pondicherry University through the distance education mode.
4. The petitioner joined Damodar Valley Corporation (in short, DVC) as a Management Trainee in 1989, and his appointment was regularized in 1990. He was subsequently promoted through the hierarchy of posts to the positions of Assistant Director of Personnel (ADP) in 1994, Deputy Director of Personnel (DDP) in 2000, and Joint Director of Personnel in 2001. On 26.04.2013, he was further promoted to the post of Additional Director of Personnel/Senior Manager (HR) in the M5 pay scale. At present, he is posted at DVC, Maithon Dam.
5. The promotional hierarchy from the post of Additional Director of Personnel/Senior Manager (HR) at DVC is as follows:
 - (a) Deputy General Manager (Administration) – Pay Scale M-6; (b) General Manager (HR) – Pay Scale M-7; (c) Senior General Manager (HR) – Pay Scale M-8; and (d) Chief General Manager (HR) – Pay Scale M-9.

6. As per Regulation 14 of the applicable Service Regulations, promotion is to be based on merit, the relative suitability of the candidate for the particular post, and seniority. In the case of promotions to Class-I posts, such promotions are ordinarily to be made on the recommendation of the Departmental Promotion Committee (in short, DPC).
7. The gradation lists for the Human Resource Cadre, published on 06.03.2012 and 10.07.2015, reflect that the petitioner was placed at serial numbers 8 and 2, respectively, while Mr. Akhilesh Kumar, respondent no. 7 (an employee of DVC), was placed at serial numbers 32 and 14, respectively. Despite not holding a degree in Master of Business Management in Human Resource or Personnel Management and Industrial Relations, and instead possessing a Master of Arts in Labour and Social Welfare, Mr. Akhilesh Kumar was promoted to the post of Chief General Manager (HR) in the M-9 pay scale.
8. From paragraph 3.4 of the promotion policy adopted by the DVC under an Office Memorandum dated 12.01.16, essential qualification for promotion is as follows:

“ it would be essential to clear an examination of Standard equivalent to Bachelor Degree in Engineering or AMIE, MBA Degree in HR or Masters Degree/Post Graduate Degree/Diploma (at least for 2 years full time) in Personnel Management and Industrial Relations and equivalent, passed final examination from the Institute of Chartered Accountants of India or Cost & Works Accountants of India or MBA Degree in Finance or Cost & Works Accountants of India or MBA Degree in Finance or PG Diploma/Degree (at least 2 years full time) in Finance from AICTE approved University/ Institution for promotion to the post of M-5 and above. Accordingly, Executives acquiring degree, as mentioned above, through other distance education will not be considered for promotion to the post of M-5 and above, except CA, ICWA and AMIE.

[Illustration: If an executive, who is holding the post of any level from M-4 above (i.e. M-4, M-5, M-6 etc.) and does not

possess the requisite qualification as stated above, will not be considered for promotion to the next higher post.]”

9. It is, therefore, evident that although Mr. Pandey was consistently junior to the petitioner, he was promoted in supersession of the petitioner without any reason being assigned. In contrast, the petitioner, despite holding a postgraduate degree in Business Administration (MBA) with specialization in Human Resources, was denied promotion. It is also pertinent to note that one Rudra Pratap Singh, who was likewise junior to the petitioner and has since retired, was promoted to the M-7 cadre.
10. Notably, a disciplinary proceeding was initiated against Mr. Singh on the ground of not possessing the prescribed qualification for promotion. Mr. Singh sought the intervention of this Hon’ble Court, and the disciplinary proceeding was subsequently quashed. The Court directed the respondents to grant him the promotional benefits. Similarly, the petitioner had also obtained favourable orders from this Hon’ble Court in W.P. No. 3247(W) of 1998, and subsequently in FMA No. 774 of 2008 and CAN No. 16145 of 2005. However, despite such directions, the petitioner was denied promotion.
11. The petitioner submitted several representations before the concerned authorities. Although these were initially left unaddressed, the Executive Director (HR), by a letter dated 31.05.2021, ultimately informed the petitioner that his request for promotion was not tenable.
12. Though, by filing a supplementary affidavit, the petitioner attempted to enlarge the scope of the lis, the specific case projected in this writ petition is that, as per various circulars and/or Office Orders issued by the Ministry of Heavy Industries and Public Enterprises, the Department of Public Enterprises, the Ministry of Human Resource Development, and the

University Grants Commission (UGC), degrees, diplomas, and certificates obtained through distance education mode are recognized as being at par with those obtained through regular courses. Accordingly, the petitioner cannot be discriminated only for having acquired an MBA degree through the distance mode. The petitioner satisfies the eligibility criteria laid down in Paragraph 3.4 of the promotion policy dated 12.01.2016. Therefore, DVC, which functions under the administrative control of the Ministry of Power, Government of India, is legally obligated to extend promotional benefits to the petitioner.

13. The Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), Government of India, has issued guidelines pertaining to the framing, amendment, and relaxation of recruitment rules. According to the petitioner, he is entitled to promotion as per this guideline also. Paragraph 3.1.3 of these guidelines is reproduced below:

“where the eligibility service for promotion prescribed in the existing rules is being enhanced (to be in conformity with the guidelines issued by this Department) and the change is likely to affect adversely some persons holding the feeder grade posts on regular basis, a note to the effect that the eligibility service shall continue to be the same for persons holding the feeder posts on regular basis on the date of notification of the revised rules, could be included in the revised rules.”

14. The promotion policy for non-executive in DVC which came into force on 6.11.2018 provides that the basic qualification for entry into non-executive cadre of DVC will be applicable to the new entrants only. The petitioner pointed out that this provision that new qualification requirement is applicable to new entrants only, is missing in the promotion policy for Group-A Executives dated 12.01.2016.

15. The petitioner submits that, in accordance with Paragraph 3.9 of the Promotion Policy for Group-A Executives adopted on 04.05.2023, an Executive who is not promoted due to non-availability of vacancies and has completed nine (9) years of service in the existing grade is eligible for upgradation to the next higher scale. Despite having served in the present post for over ten (10) years, the petitioner has not been granted such upgradation or promoted to the next higher level, thereby causing him undue hardship and discrimination.
16. These events have prompted the petitioner to file the present writ petition, praying for a writ of mandamus directing the respondents to promote him to the post of Chief General Manager (HR) in Pay Scale M-9, with effect from the date on which his junior, Mr. Pandey, was promoted.
17. The petitioner has filed a supplementary affidavit challenging the legality of both the promotion policies introduced in 2016 and 2023. The primary ground for this challenge is that neither of the policies was published in the Gazette of India, as required under Sections 60(1), 60(2)(a), and 7(b) of the Damodar Valley Corporation Act, 1948. The petitioner further contends that paragraph 3.4 of the 2016 promotion policy is in direct contradiction to paragraph 3.1.3 of the Office Memorandum issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions, dated 31.12.2010, particularly in relation to the guidelines for preparing schedules and notifications, as laid down in the DoPT Office Memorandum dated 25.03.1996. Additionally, the petitioner asserts that his basic pay was unilaterally reduced from ₹1,80,800/- to ₹1,47,000/- with effect from 01.07.2020.

Case of the respondent nos. 2 to 6:

18. The essence of the defence put forth in the affidavit-in-opposition filed on behalf of respondent nos. 2 to 6 is that the petitioner was designated as Labour Welfare Officer (LWO) & equivalent with effect from 07.09.1989, subsequently redesignated as ADP & equivalent with effect from 13.06.1994, and further redesignated as DDP & equivalent with effect from 13.06.2006. In the revised Unified Cadre Policy (UCP) of HR/302 dated 27.02.2014, it was categorically stated that the seniority position as on 01.01.2001 of the concerned officers would remain unchanged, in terms of Office Memorandum (in short, OM) dated 22.04.2013. The petitioner was appointed as Senior Manager (HR) and posted at the station with pay and allowances as per the applicable rules, i.e., in Pay Band-4 with Grade Pay of Rs. 8700/-, with effect from 26.03.2013, by order dated 26.04.2013. However, the said promotion was made subject to the outcome of W.P. No. 8851(W) of 2012.
19. The Office Memorandum dated 04.05.2023 indicates that respondent no. 2, *vide* its Resolution No. 9287, accorded approval to the Promotion Policy for Group-A Executives, to be effective from the date of issuance of the said Office Memorandum. However, matters pertaining to the Corporate Promotion Committee (in short, CPC) were excluded from immediate effect and were to come into force from the next scheduled CPC. It was further clarified that the revised Promotion Policy would not affect the existing CPC panel, which remained valid until 31st July, 2023.
20. The conduct of the Corporate Promotion Committee/Departmental Promotion Committee (CPC/DPC) for promotions in DVC is governed by the Promotion Policy adopted by the Corporation. While considering cases for

promotion, due consideration is given to the Annual Performance Appraisal Reports (APARs) of the concerned officers for the past one to six years, as applicable, depending on the eligibility period specified under Paragraph 5.0 of the Policy.

21. For promotions to the grades of M-5 and above, the CPC holds interviews and assigns marks to each eligible Executive, taking into account certain factors, namely,- (i) the desirability of giving special recognition to experience and performance in the field, in alignment with the Corporation's priorities; (ii) the need to ensure uniformity, consistency, and equitability; (iii) the potential and suitability of the candidate for the specific post to which promotion is being considered; (iv) general conduct, integrity, personality, and the candidate's sense of involvement and commitment to the organization; and (v) the overall trend—upward or downward—in the candidate's appraisal/PMS ratings.
22. The existing Promotion Policy for Executives prescribes, as essential qualification criteria (QR) for further promotion, not only an MBA degree in Human Resources but also includes a Master's Degree/Post Graduate Degree or Diploma (of at least two years full-time duration) in Personnel Management & Industrial Relations, Human Resource Management, or an equivalent field. Shri Akhilesh Kumar Pandey, Chief General Manager (HR), holds a Master of Arts degree in Labour and Social Welfare, which qualifies as an equivalent degree for the purpose of meeting the said educational requirements (as recorded at serial no. 13).

23. Although the petitioner was placed at a higher position in both the gradation lists dated 06.03.2012 and 10.07.2015, he was not considered for promotion to the next higher level on the ground that the qualification he acquired did not align with the educational requirements prescribed under Clause 9.1 of the Promotion Policy, 2016, and Clause 10.1 of the Promotion Policy, 2023. The petitioner had obtained an MBA in Human Resource Management through distance education, which does not fulfil the criteria of a regular, full-time course as mandated by both promotion policies. In contrast, Mr. Akhilesh Kumar Pandey had acquired a degree recognized as equivalent to an MBA in HR or a Master's Degree/Post Graduate Degree/Diploma (of at least two years full-time duration) in Personnel Management and Industrial Relations/Human Resource Management, as approved by the Competent Authority.
24. The petitioner's representations were duly placed before the Competent Authority, and the decisions taken thereon were communicated to him at various points in time. It is pertinent to note that the Promotion Policy adopted in 2016 is no longer in force. A revised Promotion Policy for Executives has been implemented with effect from 04.05.2023, following the approval of the DVC Board. Under the current policy, qualifications acquired through distance education are not recognized for the purpose of further promotion. Be it noted here that the DVC Board, as reconstituted under the DVC (Amendment) Act, 2011, comprises four full-time members—Chairman, Member (Technical), Member (Secretary), and Member (Finance)—along with representatives from the Central Government, the Government of Jharkhand,

and the Government of West Bengal, as well as three independent experts in the fields of water management, irrigation, and transmission & distribution.

25. The rules framed by the Ministry of Personnel Public Grievance and Pension (Department of Personnel and Training), Govt. of India do not apply to DVC unless otherwise specifically adopted by the DVC.
26. Clause 13.1 of the Promotion Policy, issued *vide* Office Memorandum No. 765 dated 04.05.2023, provides that consideration for promotion is subject to the availability of vacancies. However, in cases where an Executive is not promoted solely due to non-availability of vacancy and has completed nine (9) years of service in the existing grade/level (for promotions to the post of M-5 and above), such Executive may be granted an upgradation to the next higher scale as a *Service Linked Upgradation*. This upgradation shall be subject to the fulfilment of all other applicable conditions of promotion.
27. As the petitioner was not eligible for promotion as per Clause 3.4 of the promotion policy for Group-A Executives/Vol.-IV/40 dated 12.01.2016. However, both Mr. Singh and Mr. Pandey were eligible for promotion to next higher grade.

Contents of Affidavit-in-reply:

28. In response to the averments made in the affidavit-in-opposition filed on behalf of respondent nos. 2 to 6, the petitioner has submitted that, in terms of Regulation 108(B) and the accompanying explanatory memorandum, the DVC has adopted the Central Government Service Rules and Regulations by either framing new regulations or amending existing ones from time to time. Accordingly, the benefits available to Central Government employees under the Central Civil Services (Extraordinary Pension) Rules of the Government of

India, as amended from time to time, are also applicable to DVC employees belonging to corresponding categories. Furthermore, the said Regulation stipulates that no employee shall be prejudicially affected by giving retrospective effect to any amendment to the DVC Service Regulations.

29. In terms of the Department of Personnel and Training (DoPT) Office Memorandum dated 31.12.2010, it is mandated that the 'eligibility service' shall remain unchanged for individuals holding the feeder post on a regular basis as on the date of notification of the revised rules, and such provision must be incorporated into the revised rules. Accordingly, the professed policy of the Central Government is to ensure that employees occupying the feeder post are not placed at a disadvantage or made to suffer prejudicially due to subsequent changes in service conditions or promotional policies. However, in the present case, this guiding principle has not been adhered to in either of the Promotion Policies adopted in 2016 and 2023.
30. The promotion policies dated 12.01.2016 and 4.5.2023 were not published in the Gazette of India as required under Sections 60 (1) , 60 (2) (a) & (b) and 7 (b) of DVC Act, 1948 read with Regulation 6 of DVC Service Regulations.
31. The MBA (HR) degree obtained by the petitioner from Pondicherry University through distance education is, in terms of the applicable circulars issued by the Government of India, considered equivalent to an MBA (HR) degree awarded by any traditional university. On the other hand, the Master of Arts in Labour and Social Welfare degree acquired by Mr. Pandey is not equivalent to an MBA (HR).

32. The petitioner asserts that he has been serving as Deputy General Manager since 2022 and has consistently demonstrated outstanding performance, as would be evident from his performance appraisal reports. As such, the petitioner cannot be regarded as an unsuccessful candidate. He further states that he was neither called for an interview nor even called in the Assessment Centre. The petitioner contends that he has been unjustly deprived and considers himself a victim of discriminatory treatment.

Submissions :

33. Mr. Bhattacharya, learned senior advocate, advanced his oral submissions in addition to filing a written note of arguments. His contentions, as crystallized, are that Mr. Pandey had consistently remained junior to the petitioner in the official gradation lists dated 06.03.2012 and 10.07.2015. However, despite this, Mr. Pandey was promoted over the petitioner in the organizational hierarchy, thereby superseding him. Furthermore, in the gradation list published on 01.12.2021, both Mr. Pandey and the petitioner were shown at serial no. 12 and 3, respectively, which, according to him, is a glaring example of discrimination and arbitrary action on the part of the respondents.
34. Mr. Bhattacharya, learned senior advocate, submitted that under Regulation 14 of the DVC Service Regulations, promotion is to be granted based on merit, the relative suitability of the candidate for the particular post, and seniority. In the case of promotion to a Class-I post, such promotion must be made on the recommendation of the Departmental Promotion Committee (DPC) constituted for that purpose. He contended that the petitioner had consistently remained senior to Mr. Pandey, no adverse remarks were ever

communicated to him, and his appraisal reports reflected an outstanding performance throughout. Despite this, the petitioner was unjustifiably denied promotion. Mr. Bhattacharya further argued that neither of the promotion policies recognizes a Master of Arts degree in Labour and Social Welfare, acquired by Mr. Pandey as being equivalent to the qualification prescribed by the DVC for the purpose of promotion. He submitted that, since Mr. Singh has already retired. At this stage, the dispute essentially lies between Mr. Pandey and the petitioner.

35. Referring to the Regulation 22 and Regulation 2(f) of the UGC Open and Distance Learning Programme and Online Programme Regulation, 2010, Mr. Bhattacharya arduously argued that the degree, MBA(HR) obtained by the petitioner through distance education from Pondichery University, which was established under Pondichery University Act, 1985, is equivalent to MBA (HR) obtained by a candidate in regular course and as such, the petitioner meets the qualification for promotion.

36. Quite apart from that, he contended that the determination of whether an MBA (HR) degree obtained through distance education is equivalent to an MBA (HR) or other qualifications referred to in the promotion policies does not fall within the domain of the Court. He submitted that such a determination may appropriately be referred to the University Grants Commission (UGC) for its expert opinion.

37. To bolster his submission, he referred to the decisions, reported at 2002 (2) Cal LJ 34 [*West Bengal Central School Service Commission & Ors. vs. Smt. Gita Guha (Dasgupta)*] , (2021) 12 SCC 390 (*Anand Yadav & Ors. vs. State of UP & Ors.*), (2001) 8 SCC 546 (*Tarik Islam vs. Aligarh Muslim*

University & Ors.), (2021) 14 SCC 134 (Kaloji Narayan Rao University of Health Science vs. Srikeerthi Reddi Pingle & Ors.) , (2024) 8 SCC 309 (Shifana P.S. vs. State of Kerala & Ors.).

38. In rebuttal, Mr. Chakraborty, learned Advocate for the DVC, submitted that as per UCP of HR/302 dated 27.02.2014, the seniority of the concerned officers as on 01.01.2001 remained unchanged until 31.07.2023. He elaborated on this issue, stating that the revised promotion policy, approved by the competent authority in 2023, is effective from the date of issuance of the Office Memorandum, except for matters related to CPC, which would apply from the forthcoming CPC. He clarified that the revised policy does not affect the validity of the existing CPC panel, which remained in force until 31.07.2023.

39. Referring to the three promotion policies adopted by the DVC in 2012, 2016, and 2023, Mr. Chakraborty argued that all these policies consistently stipulate that, for promotion to the level of M-5 and above, an employee must possess a degree obtained through a two-year regular course. He asserted that Mr. Akhilesh Kumar holds a Master of Arts degree in Labour and Social Welfare, which is equivalent to the degrees specified in the said policies.

40. He asserted that the conduct of CPC/DPC is governed by the promotion policies approved by the DVC Board, and that, in considering cases for promotion, several factors are taken into account in addition to the Annual Performance Appraisal Reports. Although the petitioner was senior to Mr. Kumar, the CPC/DPC did not find him eligible for promotion to the next higher level, and accordingly, his promotion was denied. He further contended that the rules and regulations of the Central Government are

applicable to the DVC only if they are expressly adopted by the Board through appropriate amendments to the existing rules and regulations.

41. Heard the learned advocates representing the respective parties.
Perused the materials on record placed before me.

Analysis :

42. Section 59 of the DVC Act, 1948 empowers the Central Government to make rules for any or all of the matters specified therein, whereas Section 60 empowers the Corporation (DVC), with the prior sanction of the Central Government and by notification in the Gazette of India, to make regulations for carrying out its functions under the Act. This includes, in particular and without prejudice to the generality of the foregoing powers, provisions relating to the appointment and promotion of its officers and employees. Therefore, the Act mandates that any regulations made by the DVC regarding appointments and promotions of its officers and employees must be published in the Gazette of India. However, the petitioner has failed to establish that the promotional policies in question constitute regulations requiring such publication.

43. In the absence of any statutory rules or regulations, matters related to promotion may be governed by executive instructions, policies, or established norms. Unless such instructions, policies, or norms are found to be unjust, unfair, unreasonable, or discriminatory, they cannot be considered violative of Articles 14 and 16 of the Constitution of India. It is entirely permissible for an employer to formulate policies that define eligibility criteria based on realistic considerations and to establish a system aimed at selecting the most suitable

candidates to fill critical positions. It is admitted position that an employee cannot demand that rules, regulations, or policies be amended that suits him.

44. Needless to state that an employee does not possess an inherent right to promotion. Instead, the right is limited to being duly considered for promotion in accordance with the applicable rules. When promotions are determined based on factors such as seniority, merit, and the relative suitability of candidates for a particular position, no employee can claim promotion as a matter of right solely on the basis of seniority or performance appraisals. The right to promotion is contingent upon the fulfilment of prescribed eligibility criteria.
45. Regulation 108B of the DVC Service Regulations clearly states that the benefits of the Central Civil Services (Extraordinary Pension) Rules, 1937, as framed by the Government of India, shall be applicable to DVC employees. However, the petitioner has failed to identify any provision within these Rules, or any part of Regulation 108B, that prohibits DVC from prescribing qualifications for promotion to the position at the level of M-5 and above.
46. Clause 13 of the Promotion Policy, 2023, which deals with Service Linked Promotion/Upgradation (SLP), provides that where promotions are subject to availability of vacancies, and an executive is not promoted solely due to the non-availability of a vacancy, such an executive may be considered for upgradation to the next higher scale upon completion of nine (09) years of service in the existing grade/level, specifically for promotion to the post of M-5 and above. This upgradation is treated as a Service Linked Upgradation. However, all other conditions applicable to promotion must also be fulfilled. Therefore, mere completion of nine years in the feeder grade/level is not

sufficient; the executive must also satisfy all other prescribed eligibility criteria for promotion.

47. Promotion-related rules, norms, or policies often mandate that an aspirant must possess certain qualifications to be eligible for consideration. However, if a classification is made between employees who have obtained their degrees through distance education and those who have acquired that degree through regular courses, such classification must bear a rational nexus with the efficiency and requirements of the particular post.
48. Therefore, an employer is permitted to draw a distinction between employees who have obtained a degree through a two-year full-time regular course and those who have earned the same degree through distance or online education, only if the employer can justify that the promotional post demands a level of expertise or training that can reasonably be acquired only through a full-time regular course, and not through distance or online modes of education.
49. Regulation no. 22 of the University Grants Commission (Open and Distance Learning Programmes and Online Programmes) Regulations, 2020 specifies that the degrees at undergraduate and postgraduate level in conformity with UGC notification on specification of Degrees, 2014 and post graduate diplomas awarded through open and distance learning mode and/or online mode by Higher Educational Institutions, recognised by the Commission. The petitioner claimed that Pondicherry University is a UGC-recognised institution, and Mr. Chakraborty did not dispute this claim.

50. Mr. Chakraborty defended the classification by arguing that, in matters of promotion, where all employees have been treated uniformly over a considerable period and there is no apparent instance of discrimination.
51. Therefore, DVC has two-fold justification for such classification:
 (i) as an employer, DVC has the authority to prescribe eligibility criteria for any promotional post or position; and
 (ii) the classification in question has been consistently applied to all employees over a significant period.
52. However, no evidence has been presented to establish that the expertise required for the promotional grade or level can only be attained by a candidate who has completed a two-year full-time regular course, and that such expertise cannot be acquired through a degree obtained via distance education. No materials have also been placed to show that whether the MBA (HR) course involve any technical or practical training component that can only be attended in regular course.
53. There cannot be any scintilla of doubt regarding binding effect of the decisions cited by Mr. Chakraborty. However, those are distinguishable on facts.
54. In view of the above circumstances, I find it appropriate to remit the matter to Respondent No. 3 for reconsideration and decision. The Chairman shall examine whether, in light of Regulation 22 of the University Grants Commission (Open and Distance Learning Programmes and Online Programmes) Regulations, 2020, the classification in question can be considered justified. He shall also assess whether the expertise required for the promotional grade or level can genuinely be acquired only through a two-

year full-time regular course, and not through a degree obtained via distance education.

55. It is imperative that, if it is found that there is no reasonable justification or intelligible differentia for maintaining such a classification, appropriate follow-up action shall be taken. This may include granting promotion to the petitioner with effect from the date his junior was promoted, provided the petitioner is otherwise eligible. However, if it is found that there justification or intelligible differentia behind such classification and that the petitioner's claim for promotion lacks merit, he shall issue a reasoned and speaking order, which must be duly communicated to the petitioner. If he considers it appropriate, he may seek the intervention of the DVC Board. The entire exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.
56. As the petitioner has not produced any material from a competent authority to establish that the degree of Master of Arts in Labour & Social Welfare is not equivalent to the qualification prescribed for promotion, I am not inclined to pass any order with respect to the promotion of Mr. Akhilesh Kumar.
57. With these observations and order, the writ petition is, thus, disposed of. However, there shall be no order as to the costs.

(Partha Sarathi Chatterjee, J.)