



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

**CIVIL APPLN. (W) NO. 1119 OF 2025 IN
WRIT PETITION NO. 852 OF 2022**

Swanandkumar Mohanrao Kalambe and another

-Vs.-

Union of India and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's Orders.
or directions and Registrar's orders.

Mrs.Renuka Sirpurkar, Adv.for the petitioners.
Ms Ashwini Atyalye, Adv.for the respondent No.2.
Dr.Mr.R.S.Sundaram, Adv.for the respondent No.3.

**CORAM : SMT. M. S. JAWALKAR &
PRAVIN S. PATIL, JJ.**

DATE : 18TH JULY, 2025

WRIT PETITION NO. 852 OF 2022

At the outset, leave to add respondent No.5-
Ministry of Finance is granted. The amendment to be
carried out within a week.

2. After the amendment is carried out, issue notice to
the respondent No.5, returnable on 08/08/2025.

CIVIL APPLN. (W) NO. 1119 OF 2025

The present application is filed for grant of
permission to amend the petition. The petition was filed
challenging the advertisement for recruitment dated
13/12/2021, for the post of Senior Scientific Officer along
with Recruitment Rules dated 07/10/2016, as the existing
Rules were not providing for specific educational and

experience criteria for the said post. The petitioners have also prayed for channel of promotion from Technical Assistant cadre to Senior Scientific Officer as well as for reclassification of the post of Technical Assistant in Group-B.

2. It appears that this Court vide order dated 11/11/2022, considering the contention of the petitioners, observed as under:

“2. There is one communication dated 21.01.2021 which would throw light upon what we have said just now. By this communication, the then Director of Respondent No.2 had recommended that the Technical Assistants working with respondent no.2, considering the nature of duties being performed by them and their vital role in the research and developmental activities of the respondent no.2, be placed in the grade pay of Rs.4200/-. Along with such recommendation, the Director has also recommended that the post of Technical Assistant itself should be re-designated as ‘Scientific Assistant’ with grade pay of R.4200/- which, in the opinion of the Director, will open the promotional channel to scientific cadre for the Technical Assistant. As per the guidelines issued by Office memorandum dated 31.12.2010, if any technical employee is considered for promotion to the post of Senior Scientific Officer he has to have experience of the post with grade pay of Rs.4200/- for at least ten years. Presently, the petitioners -Technical Assistants are placed in the grade pay of Rs.2800/-. Thus, unless and until the petitioners are placed in the grade pay of Rs. 4200/- with retrospective effect, the grievance of the petitioners regarding blocking of their promotional channel to the post of Senior Scientific Officer cannot be considered by this Court.”

This Court urged to the Deputy Solicitor General of

India to request the respondent No.1, i.e. Union of India, Ministry of Micro, Small and Medium Enterprises to pay its attention to the aforesaid recommendation and take appropriate decision.

3. As it was informed that respondent No.2 is to undertake selection process for the post of Senior Scientific Officer vide order dated 11/07/2022, permission is granted to continue selection process and vide order dated 07/01/2023, it was clarified that the selection shall be subject to the decision in the petition and that should be notified in the appointment order to the selected candidate. It is the contention of the petitioners that on account of improper grade pay being applied to them, they were stuck in Group-C. Pursuant to the direction of this Court, the Recruitment Rules came to be framed on 24/03/2025. The petitioners seek permission to bring on record these subsequent events and even challenge to the Recruitment Rules to the extent of failure to reclassify to the post of Technical Assistant in Group-B and failure to open a channel of promotion to the Technical Assistant to the post of Senior Scientific Officer and other two prayers challenging the advertisement dated 24/03/2025 for the post of Principal Scientific Officer.

5. The application is vehemently opposed by the learned counsel for the respondent No.2 Ms Athalye and submitted that the prayers in the application substantially complied with and therefore there is no reason to expand the scope of this petition. The Recruitment Rules are already framed. It can be challenged in separate writ

petition.

6. Learned counsel Shri Sundaram appearing for the respondent No.3 vehemently opposed the application on the ground that there is no cause to file present application, nor the petitioners are having any locus to seek prayers challenging the advertisement for the post of Principal Scientific Officer or to restrain from carrying out any selection process.

7. We have heard the learned counsel for the parties at length. Considering the earlier orders passed by this Court, it appears that the respondents were directed to consider the recommendation of the Directors. Though the Rules are framed, the petitioners are having grievance that the issue is not resolved pertaining to the promotional avenue from Technical Assistant to Senior Scientific Officer. At this stage, while allowing the application for amendment, we need not go into the merits of the matter. Even if the application is allowed, that does not mean the reliefs claimed in the amendment application are granted.

8. We consider that the grievance raised in the petition and the amendment are having bearing on each other. It appears that the petitioners are not satisfied by framing of Rules, but they want to agitate their grievance further, which is agitated in the main petition.

9. Accordingly, we are of the considered opinion that the amendment is required to be allowed as it is continuation of grievance agitated in the main petition. Therefore, the application is allowed. The amendment to be carried out within one week. The amended copy of the

petition be supplied to the respondents. The application stands disposed of.

10. The respondents to submit their additional submission/reply on affidavit, if any, two weeks thereafter.

(PRAVIN S. PATIL, J)

(SMT.M.S.JAWALKAR, J)