



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-24909-2016

Reserved on : 08.12.2025
Pronounced on : 17.12.2025
Uploaded on : 17.12.2025

Deepak Kumar

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Argued by : Mr. Mohit Advocate for
Mr. R.S. Manhas, Advocate for the petitioner.

Mr. Swapan Shorey, D.A.G., Punjab.

None for respondents No.3 to 5.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has invoked the writ jurisdiction of this Court by filing the instant petition under Articles 226/227 of the Constitution of India, seeking a writ of certiorari for quashing the orders dated 07.11.2016 & 19.09.2012 (Annexures P-9 & P-10) passed by respondent No.2, vide which respondents No.3 to 5, who are juniors to the petitioner, have been promoted to the post of Research Assistant, Grade-B. Further, seeking a writ of mandamus, directing the respondents to promote the petitioner to the post of Research Assistant, Grade-B w.e.f. the date persons junior to the petitioner i.e. respondents No.3 to 5 have been promoted and to grant all consequential benefits to the petitioner.



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2. The brief facts, as have been pleaded in the petition, are that on the basis of qualification of Matriculation, the petitioner was initially appointed as Laboratory Attendant on 20.06.1986 on work charged basis and thereafter, his services were regularised on the post of Laboratory Attendant. During his service, the petitioner acquired 'Diploma in Civil Engineering' on 07.07.2000 (Annexure P-2) from Punjab State Board of Technical Education and Industrial Training. The next promotional post from the post of Laboratory Attendant and the employees working in the Institute of Laboratories under the control of Institute, is Research Assistant, Grade-C, however, the post of Research Assistant, Grade-C was merged with the post of Research Assistant, Grade-B vide notifications dated 11.07.1967 & 21.01.1969 and as per the said notifications, the educational qualification and experience for the post of Research Assistant, Grade-B will remain same as of Research Assistant Grade-C. For promotion to the post of Research Assistant, Grade-B, the following qualifications have been prescribed under the Rules known as Punjab Public Works Department (Irrigation Branch) Research Assistant State Services Class-III Rules, 1956.

"10. Method of recruitment -

(1) Appointment to the various grades of the Service shall be made

(a) in the case of Research Assistants Grade A:

i) by promotion from amongst Research Assistants Grade B; or

ii) by transfer of an official already in the service of the Government of a State or of the Union; or

iii) by direct appointment;



- (b) *in the case of Research Assistants, Grade B:*
- i) by promotion from amongst Research Assistants Grade C; or*
 - ii) by transfer of an official already in service of the Government of a State or of the Union; or*
 - iii) by direct appointment;*
- (c) *in the case of Research Assistants, Grade C:*
- i) by promotion from amongst Analysts or Silt Analysts or other ranks already working in the Institute or Laboratories under the control of Institute, provided the official so promoted is reported to be fit for research work expected of Research Assistants and has worked in the Institute or Laboratories for at least 5 years and has also passed the F.Sc. Examination of a recognized university;*

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2(i) It is the case of the petitioner that respondents No.3 to 5 are junior to the petitioner and have been promoted, vide orders dated 07.11.2016 & 19.09.2012 (Annexures P-9 & P-10), while ignoring the claim of the petitioner and, therefore, he is entitled to be promoted to the post of Assistant Research, Grade-B w.e.f. the date persons junior to him have been promoted.

3. In the written statement filed on behalf of respondents No.1 & 2, it has been stated as under :-

“Preliminary Objections:

1. That the present civil writ petition is liable to be dismissed on the following grounds:-

(i) The petitioner has actively concealed material facts from this Hon'ble Court. The petitioner has not revealed



that all the promotions challenged by the petitioner were made on the recommendation of Departmental Promotion Committees and in all the Departmental Promotion Committees, the name of the petitioner was also discussed by the committees and after thoroughly consideration the petitioner was not found fit for the promotion to the rank of Research Assistant Grade 'B' by the Departmental Promotion Committees as he did not possess the required eligibility criteria laid down (Annexure R-1 to R-3).

Petitioner has deliberately withheld this materialistic fact from the Hon'ble Court.

(ii) That the claim of the petitioner is totally wrong and baseless that some Junior Persons have been promoted to the rank of Research Assistant Grade 'B'. The actual fact is that the petitioner has not fulfill the educational qualifications for the post of Research Assistant Grade 'B' as the petitioner neither have the qualifications as (10+2) with Science or Bachelor of Arts Degree. Therefore in the absence of required Educational Qualifications seniority has no role to play for promotion of petitioner to the rank of Research Assistant Grade 'B'.

(iii) That the Punjab School Education Board Chandigarh has given its clarification regarding the equivalency of Diploma in Civil Engineering which is limited for seeking admission in higher classes only. The Board further clarified that it is up to the department to consider or to not consider the diploma in Civil Engineering for recruitment purpose (Annexure P-3).

(iv) That as per record the respondent no.1 and 2 had never promoted any person to the rank Research Assistant Grade 'B' on the basis of Educational Qualification as three year diploma in Civil Engineering.

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4. In the written statement filed on behalf of respondents No.3 to 5, it has been stated that the case of the petitioner for promotion along with respondents No.3 to 5 was already considered by the Departmental Promotion Committee in its all three meetings held in the year 2001, 2012 & 2016. However, the petitioner was found ineligible for promotion on all three occasions. Consequently, the petitioner was not promoted to the post of Research Assistant, Grade-B. The said proceedings have been attached as Annexures R-1/3 to R-3/3.

5. Learned counsel for the petitioner has submitted that since respondents No.3 to 5, who are junior to the petitioner, have been promoted to the post of Research Assistant, Grade-B, vide impugned orders dated 07.11.2016 & 19.09.2012, therefore, the petitioner is also entitled to be promoted to the post of Assistant Research, Grade-B w.e.f. the date persons junior to him have been promoted.

6. Per contra, learned State counsel has submitted that the petitioner does not fulfil the educational qualification for the post of Research Assistant, Grade-B as required under the recruitment rules, therefore, he was not found eligible for promotion to the said post and seniority of petitioner has no role to play for promotion to the post of Research Assistant, Grade-B. He has further submitted that the Diploma in Civil Engineering acquired by the petitioner is not equivalent to the FSC examination. Even the Punjab School Education Board, Chandigarh has given its clarification regarding equivalency of Diploma in Civil Engineering which is limited for seeking admission in higher classes only and is not equivalent to the FSC examination and,



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therefore, the claim of the petitioner for promotion has rightly been rejected. He has further submitted that similar claim raised by one Ashok Kumar has been rejected by this Court vide order dated 27.04.2023 passed in ***CWP No.27244 of 2016 titled as 'Ashok Kumar Vs. State of Punjab and others'*** and the said judgment has been upheld by a Division Bench of this Court in ***LPA No.1017 of 2023 titled as 'Ashok Kumar Vs. State of Punjab and others' decided on 03.10.2023.***

The order passed by a Division Bench reads as under :-

“This appeal is directed against the judgement and order dated 27.04.2023 passed by the learned Single Judge dismissing the writ petition filed by the petitioner (appellant herein) praying for the following substantive reliefs:-

Issuance of writ in the nature of certiorari for quashing the order dated 07.11.2016 (Annexure P-5) and order dated 19.09.2012 (Annexure P-6) passed by respondent No. 2 vide which respondents No. 3 to 5 juniors to the petitioner have been promoted to the post of Research Assistant, Grade-B.

Issuance of a writ in the nature of mandamus directing the respondents to promote the petitioner to the post of Research Assistant, Grade-B w.e.f. juniors to the petitioner i.e. respondents No. 3 to 5 have been promoted alongwith all consequential benefits.

The learned Single Judge had dismissed the writ petition on the ground that the Departmental Promotion Committee upon consideration of the claim of the petitioner did not find him fit for research work because he only held a Bachelor's degree in Humanities.

Learned counsel for the appellant submits that the appellant was senior to respondents No.4 and 5 and, thus,



being senior he was entitled to promotion on the post of Research Assistant, Grade-B prior to them. However, when confronted with the records, he fairly concedes that the respondent authorities upon consideration of the candidature of the appellant did not find him fit for research work. And, as per Rule 7.21 Part 3 Serial No. 10 of the Manual of Administration, the appellant was, thus, not eligible. The said decision of the respondent-authorities, which was taken on 08.05.2017, was never challenged by the appellant.

Nothing has been placed before us by the appellant or before the learned Single Judge for that matter to indicate that the respondent-authorities were bound to promote a person only on the basis of seniority. In the circumstances, we do not find any illegality or infirmity in the order passed by the learned Single Judge dismissing the writ petition.

The appeal being meritless is, accordingly, dismissed.”

7. I have heard learned counsel for the parties and perused the relevant documents.

8. Since the petitioner does not fulfil the required educational qualification for the post of Research Assistant, Grade-B as required under the recruitment rules and Diploma in Civil Engineering is not equivalent to FSC examination and as per the stand taken by the respondents that no such person with the said qualification has ever been promoted to the post of Research Assistant, Grade-B and the fact that the claim of the petitioner has thrice been considered by the Departmental Promotion Committee in its meetings held in the year 2001, 2012 & 2016, therefore, the petitioner cannot be held to be



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eligible for promotion to the post of Research Assistant, Grade-B. It has also been brought to the notice of the Court that during the pendency of the present petition, the petitioner as well as respondents No.3 & 4 have retired from service on attaining the age of superannuation.

9. In view of the above, finding no merit in the instant petition, the same is hereby dismissed.

17.12.2025
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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No