



\$~76

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6622/2025, CM APPL. 30094/2025 & 30095/2025**

ANUJ TRIPATHI AND ORS

.....Petitioners

Through: Mr. Durgesh Kumar Sharma,
Advocate.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Farman Ali, SPC with Mr.
Adil Hussain and Ms. Usha
Jamnal, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

16.05.2025

1. The petitioners are employed in respondent No.2 - Bureau of Indian Standard ["BIS"] as Technical Assistant (Lab) and Laboratory Officer. They have filed this writ petition, under Article 226 of the Constitution, agitating grievances with regard to prospective promotion to the post of Scientist-B from Group-B posts.
2. BIS has issued a Circular dated 17.04.2025, for filling up the post of Scientist-B by promotion from Group-B posts through a limited departmental competitive examination. The essential eligibility criteria specified in the circular are as follows:

"Essential Eligibility Criteria:

- i. Maximum age limit of 50 years as on 31st March 2025.
- ii. Bachelor's Degree in Engineering or Technology or Medicine or equivalent or Master's Degree in Natural Sciences or equivalent with



50% marks in aggregate in any discipline specified in the Second Schedule of Bureau of Indian Standards (Recruitment to Scientific Cadre) Regulations, 2019.

iii. Ten years' experience as Technical Assistant (Laboratory) or ten years' combined experience as Laboratory Officer or Technical Assistant (Laboratory) in the Laboratory Technical Posts Cadre or ten years' experience as Senior Technical Assistant (Drawing) or Supervisor (Drawing) in the Administration, Finance and Other Posts Cadre.

iv. Passing of Departmental Examination as specified in regulation 15 of Bureau of Indian Standards (Recruitment to Scientific Cadre) Regulations, 2019.”

[Emphasis supplied.]

3. The petitioners' grievance is that all of them belong to the 2016 batch in Group-B posts, and therefore do not at present fulfil the required experience of 10 years, as required by clause (iii) above. The petitioners claim that, if the recruitment is held at this stage, the posts will be filled by candidates senior to them, and their promotional avenues will be accordingly restricted. They have, therefore, sought the following reliefs:

“(i) To issue a writ of mandamus or any suitable writ in the interest of justice thereby circular/advertisement dated 17.04.2025 for the post of scientific cadre be set aside as same is arbitrary, discriminatory and against the rule of natural justice (Annexure P-1).

(ii) To issue a writ of mandamus or any suitable writ in the interest of justice thereby respondents department be directed to include year 2016 batch of petitioners of technical assistant in the limited departmental competitive examination published vide circular dated 17.04.2025 for the post of scientific cadre in the interest of justice (Annexure P-1) as accordance with the law by applying the ratio of equal opportunity in promotional examination of scientific cadre post.

Or in alternate

(i) to issue a writ of mandamus or any other writ in the interest of justice thereby to reserve/earmark the post of scientific cadre for every year batch of technical assistant (lab)/laboratory officers by applying the ratio of equal opportunity in the departmental promotion examination of scientific cadre in the interest of justice.

(ii) to direct & pass any other order as deem fit and proper in favour



of petitioners against the respondent department in the interest of justice.”

4. Having heard Mr. Durgesh Kumar Sharma, learned counsel for the petitioner, I do not find any force in this contention. The eligibility criteria in the Circular, are in terms of Regulation 15 of the BIS (Terms and Conditions of Service of Employees) Regulations, 2019, which has also been annexed to the writ petition. Regulation 15, insofar as it is relevant, provides as follows:

*“15. **Promotion to the post of Scientist-B.** - (1) The promotions shall be made to the posts of Scientist-B through Limited Departmental Competitive Examination.*

*(2) **Officers eligible for promotions to the post of Scientist-B, as specified in First Schedule,** shall be assessed for promotion on the basis of the following two components and the relative weightage for each component shall be as follows:-*

(a) written examination - 50 per cent

(b) Annual Performance Appraisal Reports - 50 per cent

....”

[Emphasis supplied.]

5. Regulation 15 thus provides for promotion to the post of Scientist-B through Limited Departmental Competitive Examination, and eligibility is specified in the First Schedule to the Regulation. In the First Schedule, as far as the promotional posts are concerned, 10% of the posts in the cadre have been reserved for promotion from Group-B posts, in accordance with the procedure in Regulation 15. The eligibility condition, in respect of promotional posts, provide as follows:

“(a) Bachelor's Degree in Engineering or Technology or Medicine or equivalent or Master's Degree in Natural Sciences or equivalent with 50% marks in aggregate in any discipline specified in the Second Schedule.

*(b) **ten years' experience as Technical Assistant (Laboratory) or ten years' combined experience as Laboratory Officer or Technical***



Assistant (Laboratory) in the Laboratory Technical Posts Cadre or ten years' experience as Senior Technical Assistant (Drawing) or Supervisor (Drawing) in the Administration, Finance and Other Posts Cadre.

(c) Passing of Departmental Examination as specified in regulation 15.”

[Emphasis supplied.]

6. The Circular is thus in consonance with the applicable Regulations. The eligibility conditions thus remain those specified in the Regulations, which require 10 years of service in the relevant posts. The petitioners admittedly do not fulfil these criteria. The Regulations have not been challenged in this writ petition.

7. The contention of Mr. Sharma is that the promotional process should be deferred until the petitioners are also eligible, or that they should be permitted to participate, notwithstanding the shortfall in their experience. I find no merit in either of the alternative suggestions. An employee's right is to be considered for promotion in accordance with the Rules, but this does not translate into any obligation upon the employer to keep promotional posts vacant, until a particular group is eligible. Such an argument will potentially lead to a never-ending cycle, where each successive batch can claim to be on the verge of eligibility and seek deferment of the promotional process accordingly. Such a course does not commend to me. Equally, to permit the petitioners to participate despite their admitted ineligibility, would also be contrary to the Regulations themselves.

8. The alternative prayer in the writ petition is that promotional posts be earmarked for each batch in Group B, and kept vacant until the batch in question becomes eligible. There is no foundation for this submission



in the Regulations, either. The submission is, therefore, misconceived.

9. In the writ petition, it is further contended that the petitioners had filed an earlier writ petition for similar relief, which was disposed of on 16.04.2025, directing that their grievances be considered as a representation to the respondents. Mr. Sharma submits that the impugned circular was issued the very next day, without deciding the representation. I do not consider it necessary to adjudicate on this aspect further, particularly in the absence of BIS, which is not represented today. As the promotional exercise is already underway, I have instead examined that matter on merits and have come to the conclusion that the petitioners are not entitled to the relief sought.

10. For the aforesaid reasons, I find no merit in the writ petition, which is dismissed.

11. All pending application also stands disposed of.

PRATEEK JALAN, J

MAY 16, 2025

SS/kb/