

S/L 16
02.07.2026
Court No.04
B.K.N

M.A.T. 615 of 2025
With
CAN 1 of 2025
Aratatran Patra
Vs.
Union of India & Ors.

Mr. Avirup Chatterjee,
Mr. Rishov Das

...for the Appellant.

Ms. Debjani Ghosal

...for the Respondents.

1. Heard the learned advocate for the appellant.
2. The appellant was the writ petitioner. He was an aspirant for the post of Lecturer (Orthotics). He was working on the feeder post of Demonstrator (Orthotics).
3. It is submitted by the learned advocate for the appellant that the Hon'ble Single Judge has glossed over the fact that there were guidelines issued by the Government of India which requires retention of existing eligibility for the purposes of promotion. In this connection he relied upon Office Memorandum dated 18.03.1988 issued by the Ministry of Personnel and Public Grievance and Pensions, Government of India.
4. Clause 3.1.3 of the same is relied upon to submit that the petitioner on the feeder post had already acquired five years service since his posting as a Demonstrator in the year 2017. He fulfilled the requisite length of service on the feeder post for being considered for promotion as per the earlier Rules. The Rules were amended in the

meeting of the Executive Council dated 27.01.2020 increasing the requisite length of service in the feeder post to eight years from earlier five years. Such amendment/ change was contrary to the provisions contained in the Office Memorandum dated 18.03.1988, and also to the detriment of the petitioner. He submits that therefore, the advertisement was wrongly issued incorporating such requirement of eight years on the feeder post. The petitioner/appellant was wrongly excluded from participation in the recruitment process.

5. The learned advocate for the Union of India has drawn attention of the Court towards the affidavit-in-opposition filed on behalf of the Union of India to submit that prior to amendment/ enhancement of the requisite length of service in the feeder post, the Executive Council in the 100th meeting in August of the preceding year took up the proposed amendment and posted it on their website giving an opportunity to the petitioner, and/ or anyone desirous of making any objection/ representation thereto and for raising a grievance, but the petitioner did not raise any such grievance. Such submission is stated by the learned advocate for the petitioner/appellant to be false since the appellant have stated in their reply that they had raised a grievance. The alleged objection, however, was not enclosed.

6. Upon consideration of the rival submissions and perusal of the record we find that the respondent institute has place on record the 100th and 101st meeting of the Executive Council dated 22.08.2019 and 08.01.2020 respectively. Perusal of the same also reveals that the writ petitioner in his reply has claimed that he had requested for retention of the eligibility criteria of 5-year service on the feeder post by an e-mail, copy of which was not enclosed with the reply. In order to otherwise justify non raising of a grievance in this regard he stated that at that time he was not aware of the memorandum dated 18.03.1988.
7. The law as regards pleadings in a writ proceeding, by now is well settled in the case of ***Bharat Singh and Others vs. State of Haryana and Others*** reported in ***(1988) 4 SCC 534***. Unlike pleadings in a civil suit, a writ petitioner is required to make specific averments in his writ petition and enclose/ annex the evidence in support of such averments. The petitioner did not enclose any annexure in support of the averment. We, therefore, are not in a position to consider what was stated by the petitioner in his e-mail, if at all the same was sent in response to the opportunity granted by the respondent institute.
8. Even if the petitioner had availed the opportunity, there is another lacuna in the petitioner's approach to the writ Court which would disentitle him to any relief. The petitioner is substantially claiming his

consideration for promotion to the post of Lecturer (Orthotics) by considering his 5 years of service on the feeder post of Demonstrator Orthotics to be sufficient, even though the 2020 amendment to Rules, under which the advertisement was issued, prescribes a requisite qualification of 8-year service on the said feeder post for the promotion in question. The writ petitioner did not challenge the amendment dated 27.01.2020 enhancing the requisite service on the feeder post from 5 years to 8 years. The amendment vide communication dated 27.01.2020 is based on minutes of the 101st meeting of the Executive Council of the institute.

9. In absence of challenge to the minutes of the Executive Council, communication dated 27.01.2020 enhancing the requisite length of service on the feeder post the petitioner cannot be permitted to seek any relief contrary to the amended/ enhanced requirement and the advertisement issued under the amended provision. The law is well settled in this regard that challenge to the consequential order without challenging the basic order is not permissible. In this regard our conclusion is fortified by decision of the Apex Court in the case of ***Amarjeet Singh and Others vs. Devi Ratan and Others*** reported in ***(2010) 1 SCC 417***.

[Edukanti Kistamma (Dead) Through LRS. And Others vs. S. Venkatareddy (Dead) Through Lrs. And Others (2010) 1 SCC 756.]

10. In view of our consideration above we find no case made out for grant of any relief to the petitioner in exercise of writ jurisdiction. The judgment of the learned Single Judge dismissing the writ petition, therefore, does not require any interference by this Court in the present Intra Court Appeal.
11. The writ petition was rightly dismissed.
12. The appeal is also dismissed.
13. Pending application is also dismissed.
14. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)