

ITEM NO.104

COURT NO.2

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 7188/2013

UNNIKRISHNAN CV &amp; ORS.

Appellant(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

IA No. 152425/2018 - ADDITION / DELETION / MODIFICATION PARTIES

IA No. 35475/2020 - CLARIFICATION/DIRECTION

IA No. 14612/2017 - IA FOR DIRECTIONS

IA No. 158674/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 02-03-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE MANOJ MISRA

HON'BLE MR. JUSTICE ARAVIND KUMAR

For Appellant(s)

Mr. Tapas Das, Adv.

Mr. A. Deb Kumar, Adv.

Ms. Dumni Soren, Adv.

Mr. Pranaya Kumar Mohapatra, AOR

Dr. Vinod Kumar Tewari, AOR

For Respondent(s)

Mr. Gopal Jha, Adv.

Mr. Gurmeet Singh Makker, AOR

UPON hearing the counsel the Court made the following  
O R D E R

I.A. No.152425/2018 is allowed.

Application for permission to file additional  
documents/facts/annexures is allowed.

IA No. 35475/2020 - CLARIFICATION/DIRECTIONIA No. 14612/2017 - IA FOR DIRECTIONS

No orders are required.

Applications stand disposed of.

In the course of hearing it emerges that the impugned judgment is predicated on a rationale that for the appellants to be eligible for promotion, they must possess a degree.

However, as urged by the appellant, the Rules require a degree for a direct recruitment while for the promotees the Rules stipulates a diploma.

The matter does not rest at this as it appears from the other pleadings that the respondent(s) Department seeks to carve out a distinction between the two year diploma and three year diploma to deny the appellants their consideration for promotion.

However, the Rule is silent on the number of years of diploma course and does not dispute that the diploma obtained by the appellant is recognized by the AICTE.

We have heard learned counsel for the parties.

Learned counsel for the appellant has filed a synopsis.

We permit the respondents to file a synopsis running into not more than three pages in the next two days.

Arguments concluded.

Judgment reserved.

(ASHA SUNDRIYAL)  
ASTT. REGISTRAR-cum-PS

(POONAM VAID)  
COURT MASTER (NSH)