



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Bench No. 422 of 2026

State of Uttarakhand and others --Petitioners
Versus
 Priyanka Singh and others --Respondents

With

Writ Petition Service Bench No. 418 of 2025

Vijay Deorari and another --Petitioners
Versus
 State of Uttarakhand and others --Respondents

With

Writ Petition Service Bench No. 449 of 2025

Vijay Deorari --Petitioner
Versus
 State of Uttarakhand and others --Respondents

 Presence:-

Mr. J. S. Bisht, Standing Counsel for the State/petitioners in WPSB No. 422 of 2026

Mr. M.C. Pant, Advocate for the petitioners in WPSB No. 418 of 2025

Mr. Neeraj Garg, Mr. Yashpal Singh and Mr. S.C. Virmani, Advocates for the caveator.

Mr. Amar Murti Shukla, Advocate for respondent No. 2.

Mr. Yogesh Kumar Pacholia, Advocate for respondent No. 4.

Reserved on :13.08.2026

Delivered on :25.08.2026

Coram :Hon'ble Manoj Kumar Tiwari, J.
Hon'ble Pankaj Purohit, J.

Per : Hon'ble Manoj Kumar Tiwari, J.

Judgment dated 06.03.2025, rendered by Uttarakhand Public Services Tribunal in Claim Petition Nos. 67/NB/DB/2022 and 91/DB/2022 is challenged by the State as well private individuals in these writ petitions. They have also challenged order dated 18.03.2026, passed by learned Tribunal, whereby their review applications were dismissed.



2. Since common questions of fact and law are involved in these petitions, therefore, they are being heard and decided together.

3. Priyanka Singh and Vinod Kumar Sharma (respondent Nos. 1 and 2) in Writ Petition No. 422 of 2026 (SB), jointly filed Writ Petition (SB) No. 60 of 2021 before this Court, challenging the decision taken by State Government to suspend ongoing exercise for promotion to post of Deputy Director/Chief Agriculture Officer, which was aimed at amending the service rules and it was prayed that the suspended promotion exercise be revived for considering their claim as per the existing service rules.

4. After exchange of pleadings, Writ Petition No. 60 (SB) of 2021 was transferred to Uttarakhand Public Services Tribunal for adjudicating the issues raised by Priyanka Singh and Vinod Kumar Sharma (hereinafter referred as claim petitioners) and it was re-registered as Claim Petition No. 67/NB/DB/2022 before the Tribunal.

5. Claim petitioners contended before learned Tribunal that they are senior most Group-B Officers in their respective branch of Agriculture Department and they have earned the right to be considered for promotion to the post of Deputy Director/Chief Agriculture Officer; in sequel to the instructions issued by Additional Chief Secretary, Personnel Department on 31.08.2020, for holding promotion exercise at the earliest, Director,



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Agriculture initiated proposal to Secretary, Agriculture for holding promotion exercise against available vacancies on the post of Deputy Director/Chief Agriculture Officer and on 29.12.2020, State Government constituted a Departmental Promotion Committee (D.P.C), headed by Secretary, Agriculture, which was to hold meeting for promotion on 19.01.2021 at 11 a.m.; however, few officers of the Development Branch as representative of Officers' Association made representation to Hon'ble Agriculture Minister on 31.12.2020 requesting to introduce Single Window System in respect of Class-II posts; Hon'ble Minister directed the Secretary, Agriculture to suspend the ongoing promotion exercise till necessary amendment is made in the Rules; on coming to know that promotion exercise is being kept on hold due to proposed amendment in service Rules, claim petitioners made representation to Chief Secretary on 08.01.2021 and thereafter they made representation to Secretary, Agriculture on 11.01.2021 for holding promotion exercise as per existing rules i.e. Agriculture Service Grade 'A' Service Rules, 1992; pursuant to direction issued by Hon'ble Minister, on 14.01.2021, Joint Secretary, Agriculture issued a letter suspending D.P.C. meeting scheduled for 19.01.2021; by another communication dated 29.01.2021, Deputy Secretary, Agriculture rescheduled D.P.C. meeting for 02.02.2021, which again was suspended under instructions of Hon'ble Minister. With these averments, Priyanka Singh & Vinod Kumar Sharma filed Writ Petition No. 60 (S/B) of 2021 in which it was prayed that the decision to suspend the ongoing promotion exercise be declared as bad in law and it was



further prayed that a direction be issued to the authorities to revive the stalled promotion exercise.

6. Learned Tribunal partly allowed the claim petition by providing that promotion exercise, as it was on 31.12.2020, shall be completed as per the then existing rules; the steps taken by Administrative Department (Agriculture) in the wake of Officers' Association representation dated 31.12.2020 are null and void; the new rules of promotion would govern future promotions, excluding the promotion exercise held for supplying 7 vacancies on the post of Deputy Director/Chief Agriculture Officer, branch-wise, as proposed by Director, Agriculture on 21.11.2020. Operative portion of the judgment is reproduced below:

“Accordingly, the Claim Petition No. 67/NB/DB/2022 Priyanka Singh & another Vs. State & others and the Claim Petition No. 91/DB/2022 Deepak Purohit Vs. State & others are hereby partly allowed to the extent that the final result of promotional exercise in accordance with the then existing rules on and before 31.12.2020 shall be produced before the Hon'ble High Court of Uttarakhand at Nainital as directed. So far as the new rules are concerned, they will remain in force for the future promotions, excluding the promotions under the ambit of this instant case. No orders as to costs”.

7. The reasoning given by learned Tribunal for partly allowing the claim petition is as follows:

“6.14. The Personnel Department of the State Govt. is the nodal department in the matters of framing Rules for Govt. employees. It can issue policy related directions on behalf of the State Govt. to all the Govt. departments



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and G.O. dated 31.08.2020 is binding on all the departments. The promotional process cannot be suspended for amending the service rules to give benefits to a few employees. The chances of promotion of officers belonging to all feeding cadres need not be the same, inasmuch as the qualifications prescribed for appointment to the posts in various feeding cadres are also different. If an employee fulfils the requisite requirements for promotion prescribed under the relevant Service Rules and he falls within the zone of consideration, such employee is entitled to be considered for promotion against the available vacancy. In the instant case, the petitioners who are eligible to be considered for promotion in terms of the Service Rules are not being considered on the pretext of amending the rules, which is totally arbitrary and illegal.

6.15 It is settled law that no employee has a fundamental right for promotion, but right to be considered for promotion is a fundamental right, envisaged under Article 16 (1) of the Constitution of India, therefore, consideration cannot be suspended after initiation of the promotional process on the pretext of amending the Service Rules. In such view of the matter the grievance of the officers of Development Branch, who would not be promoted under the presently applicable Service Rules (i.e. Rules of 1992), is thoroughly misconceived and meritless.

6.16 The State Govt., by way of a policy decision, has already decided to fill up the vacant posts of promotion in all the departments, which decision of the State Govt. is binding on all the concerned including the State Govt. itself. The State Govt.'s directions do not give any liberty to the concerned administrative departments enabling them to first amend the Service Rules to the satisfaction of the selected few and then initiate the promotional process.

11. The piece of chronology that is relevant in this matter begins in the years 2008-2010 when the department of Agriculture chose to bring in the employees under one umbrella, wherein, their service matters (upto Class-III grade) were to be governed by the single window system. Nevertheless, this single window system was not envisaged for the officers of Class-II & Class-I grades into this new policy. This

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situation continued well till year 2021. Definitely, many promotions might have taken place between these 10-11 years' time period, but there was no necessity felt to touch the Class-II & Class-I cadres.

12. Interestingly, every year, every department prepares a list of retiring/passed away officers in the Department, as well as the list of vacant posts, and the seniority list from which the vacant posts are expected to be filled-in by promotion. It is noteworthy here that on record the Personnel and Vigilance Department had issued a very important Government Order dated 05.09.2012 to all the Departments to mandatorily ensure necessary steps relating to promotions against the vacant posts in accordance with the provisions contained in this G.O. dated 05.09.2012, and also to report back to the Personnel and Vigilance department about the action taken. This exercise was conducted all over the Country in accordance with the Hon'ble Supreme Court's landmark judgment about the employees belonging to SC/ST reservations. It was also directed that promotions shall be made without applying the reservation roster for SC/ST employees. This was meant to be a massive exercise. The Agriculture Department even at that time did not feel the need for promulgating the single window system over the Class-II & class-I officers of the department, and the same policy continued till the end of year 2020. There is not an iota of evidence on record that there was ever a buzz in the Administrative Department or the Government about changing the policy of promotion so far as the Class-II & Class-I officers are concerned.

13. Again on 31.08.2020, the Personnel and Vigilance Department issued a fresh Government Order to all the Government Departments to ensure to conclude the promotional exercises as early as possible. Here also, there was no pondering upon bringing in the single window policy for the promotions of Class-II & Class-1 officers. Consequently, the Director, Agriculture vide his communication No. 4367 dated 21.11.2020 submitted the proposal to the Secretary, Agriculture for promotion to the post of Deputy Director/Chief Agriculture Officer, in which it was pointed out that against the 18 sanctioned posts of Deputy Director/Chief Agriculture Officer, 07 posts were lying vacant and promotions were to be made against the Branch-wise vacancies. It was also clarified in



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the communication dated 21.11.2020 that against the 07 posts earmarked for Development Branch, 02 posts were lying vacant, against the 03 posts earmarked for Plant Protection Branch, 01 post was lying vacant, against 04 posts earmarked for Engineering Branch, 02 posts were lying vacant and against 02 posts earmarked for Statistical Branch both the posts were lying vacant. The Director also submitted the names of senior most 05 officers of each of the 03 Branches, namely, Development Branch, Engineering Branch and Plant Protection Branch for being considered for promotions by the DPC. Consequent to this proposal by the Director, Agriculture, the Joint Secretary Agriculture and Farmer Welfare, Government of Uttarakhand vide his communication dated 29.12.2020 scheduled the DPC meeting on 19.01.2021. This is quite pertinent to look into the matter very carefully that this entire exercise for the departmental promotion was conducted as per the existing rules of promotion continuing since the year 1992, outside the ambit of single window system, as the policy shift brought in the year 2008 to 2010 was never envisaged for the Class-II and Class-I officers cadre from the very beginning.

14. Then, on 31.12.2020 all the hell was let loose upon the Agriculture Department when a representation, at the behest of few officers of Development Branch, was made to the Hon'ble Minister, Agriculture to enforce the provisions of single window system on the Class-II posts also so as to adjust a few officers of the other branches too in this promotional exercise, and till then no promotions should be made. On 31.12.2020 itself, Hon'ble Minister directed the Secretary, Agriculture in writing to forthwith submit the proposal of restructuring/reorganising the various branches in Class-II service into a single window system for being placed before the Cabinet and till then the promotional exercise on Class-I posts in the Department be kept in abeyance.

15. So, it is quite apparent on the record that Hon'ble Minister acted abruptly under the extraneous factors instead of applying his own free-will and conscience; and down the line upto the Director, Agriculture this knee-jerk reaction took place, postponing the DPC thrice, so as to bring in the new single window policy "tailor made to fit in a few". At the centre-stage of this entire hullabaloo was the representation dated 31.12.2020 handed over to

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the Hon'ble Minister by the Officers' Association of Development Branch. Thus, it is apparent that this policy change was not based upon "Public policy", "Public trust" & "Public good", as is envisaged in the Constitution of India. Very definitely the Agriculture Department had earlier determined the promotions to be concluded as per the existing 1992 Rules, but was compelled to act differently in the mid stream in an arbitrary and non-judicious manner based upon the whims and fancies of the employees' association. Quite evidently this was a bad decision.

8. Learned counsel for the petitioners submits that the impugned judgment is unsustainable, as process of restructuring of posts in agriculture department had commenced vide notifications dated 26.02.2002 and 02.08.2003; on 28.05.2010 "Single Window System" was introduced by State Government for Group 'C' posts in agriculture department and decision was taken to prepare common seniority list of Group 'C' employees in place of separate branch wise seniority list and learned Tribunal did not consider this aspect while deciding the claim petition.

9. Learned counsel for petitioners further submits that request for restructuring was made by Association of Agriculture Officers for Group B posts also; order passed by Hon'ble Minister on 31.12.2020, suspending ongoing promotion exercise was not challenged before the Tribunal and Hon'ble Minister, as executive head of the concerned department was well within his right to take a decision on the representation as per Rule 3 of Uttar Pradesh Rules of Business, 1975 which provides that all business allotted to a department under the Business of U.P. (Allocation)



Rules, 1975 has to be disposed of by or under the general or special direction of the Minister-in-charge

11. Learned counsel for the petitioners further submits that service rules were amended in 2021 which were not challenged, therefore, promotion has to be made as per the amended rules and the direction issued by learned Tribunal to hold promotion exercise as per the rules in vogue on 31.12.2020 is unsustainable.

12. The issue which falls for consideration before this Court is whether in the given facts and circumstances, learned Tribunal was justified in directing the authorities to hold promotion exercise as per the rules which were in force on 31.12.2020. The rules were reportedly amended in December 2021.

13. In the case of *State of Himachal Pradesh and Others Vs. Raj Kumar and Others*, reported as (2023) 3 SCC 773, Hon'ble Supreme Court overruled the earlier view taken in *Y.V. Rangaiah and Another v. J. Sreenivasa Rao and Others*, (1983) 3 SCC 284, that a vacancy which appeared prior to amendment in the rules would be governed by old rules and not by the amended rules. It was further held that Government is entitled to take a conscious policy decision not to fill up the vacancy arising before amendment in the rules, provided the policy decision of the Government is fair and reasonable which can be justified on the touchstone of Article 14 of the Constitution of India.



14. The facts of present case are peculiar. Here, promotion exercise commenced on 29.12.2020 and D.P.C. meeting was scheduled for 19.01.2021. In the meantime, representatives of Officers' Association approached Hon'ble Minister with representation to stop the promotion exercise and also to amend the rules and Hon'ble Minister swiftly acted on the representation and directed for suspending the promotion exercise and rules of the game were thereafter re-written by amending the Service Rules, after nearly one year.

15. Learned Tribunal found the interference made by Hon'ble Minister with ongoing promotion exercise to be unjustified. Before us, learned counsel for the petitioners, including State Counsel, attempted to justify the decision taken by Hon'ble Minister by referring to Rule 3 of Uttar Pradesh Rules of Business, 1975, which is extracted below:

"3. Disposal of Business - Subject to the provisions of these Rules in regard to consultation with other departments and submission of cases to the Chief Minister, the Cabinet and the Governor, all business allotted, to a department under the Business of U. P. (Allocation) Rules, 1975, shall be disposed of by or under the general or special direction of the Minister-in-charge."

16. Rule 3 of Uttar Pradesh Rules of Business, 1975; however, do not support the contention of the petitioners. Hon'ble Minister, as political head in a department helps shape broad Government Policies, but he cannot intermeddle in individual recruitment or promotion cases. While the political executive sets general standards, civil servants handle specific appointments/promotion to keep public employment fair and free from political favoritism.



Political interference in recruitment/promotions hurts public trust, lowers work quality and weakens institutions.

17. If the association of officers of agricultural department had grievance against the ongoing promotion exercise, then it could have made representation to head of the department i.e. Director or to the Secretary of the concerned department through proper channel, but it could not have directly approached Hon'ble Minister, which is in violation of the conduct rules, applicable to Government employees. The representation, therefore deserved rejection.

18. In the case of Tej Prakash Pathak and others Vs. Rajasthan High Court and others, reported as (2025) 2 SCC 1, Hon'ble Supreme Court held that eligibility criteria for being placed in the select list, notified at the commencement of recruitment process, cannot be changed midway through the recruitment process unless the extant Rules so permit and further that even if such change is permissible under the extant Rules, the change would have to meet the requirement of Article 14 of the Constitution and satisfy the test of non-arbitrariness. Para 65.2 of the said judgment is extracted below:

“65.2. Eligibility criteria for being placed in the select list, notified at the commencement of the recruitment process, cannot be changed midway through the recruitment process unless the extant Rules so permit, or the advertisement, which is not contrary to the extant Rules, so permit. Even if such change is permissible under the extant Rules or the advertisement, the change would have to meet the requirement of Article 14 of the Constitution and satisfy the test of non-arbitrariness;



19. Similarly, in the case of Abhay Kumar Patel and others Vs. State of Bihar and others, reported as (2026) SCC OnLine SC 20, Hon'ble Supreme Court held as under:

“41. Therefore, in the facts of this case, the finding of the High Court that the amendment was merely a policy decision and could be applied retrospectively to the selection process in vogue is completely erroneous. Even assuming that the 2022 Amendment Rules are policy decisions of the State, they cannot be implemented in a manner that violates the fundamental right to equality under Article 14 and 16 of the Constitution of India by changing the selection criteria after the selection process has already begun.

42. In view of the discussions made above, in our considered opinion, the retrospective application of Rule 8(5) of the 2019 Rules, as introduced by the 2022 Amendment Rules, cannot be sustained insofar as the recruitment process initiated vide the 2019 Advertisements following the 2019 Rules prevalent at the said point of time.

43. In view of the above, the irresistible conclusion that can be drawn in the facts of the present case is that the selection process pursuant the 2019 Advertisements must be finalized in accordance with the 2019 Rules as they existed on the date of the advertisements, i.e., without taking into account the 2022 Amendment Rules by which the weightage and age relaxation for contractual experience was introduced. As such, the final merit list shall be drawn and appointments shall be made, completing the process within 2 months' from the date of this judgment.”

20. In the case of Sureshkumar Lalitkumar Patel & Ors. Vs. State of Gujarat & Ors. (arising out of SLP (Civil) No. 4302-4303 of 2021), Hon'ble Supreme Court has held as under:

“24. It is true that a candidate may not have a vested right to the post, however, it cannot be confused with a right to be considered in accordance with law. A law which enables a candidate to get a post cannot be changed to facilitate another group of persons, since the candidate



acquires a vested right to be considered in accordance with law, as held by this Court in *N.T. Devin Katti v. Karnataka Public Service Commission*, (1990) 3 SCC 157,

“**11.** There is yet another aspect of the question. Where advertisement is issued inviting applications for direct recruitment to a category of posts, and the advertisement expressly states that selection shall be made in accordance with the existing rules or government orders, and if it further indicates the extent of reservations in favour of various categories, the selection of candidates in such a case must be made in accordance with the then existing rules and government orders. Candidates who apply, and undergo written or viva voce test acquire vested right for being considered for selection in accordance with the terms and conditions contained in the advertisement, unless the advertisement itself indicates a contrary intention. Generally, a candidate has right to be considered in accordance with the terms and conditions set out in the advertisement as his right crystallises on the date of publication of advertisement, however he has no absolute right in the matter. If the recruitment Rules are amended retrospectively during the pendency of selection, in that event selection must be held in accordance with the amended Rules. Whether the Rules have retrospective effect or not, primarily depends upon the language of the Rules and its construction to ascertain the legislative intent. The legislative intent is ascertained either by express provision or by necessary implication; if the amended Rules are not retrospective in nature the selection must be regulated in accordance with the rules and orders which were in force on the date of advertisement. Determination of this question largely depends on the facts of each case having regard to the terms and conditions set out in the advertisement and the relevant rules and orders. **Lest there be any confusion, we would like to make it clear that a candidate on making application for a post pursuant to an advertisement does not acquire any vested right of selection, but if he is eligible and is otherwise qualified in accordance with the relevant rules and the terms contained in the advertisement, he does acquire a vested right of being considered for selection in accordance with the rules as they existed on the date of advertisement. He cannot be deprived of that limited right on the amendment of rules during the pendency of selection unless the amended rules are retrospective in nature.**”

(emphasis supplied)

21. The manner in which the promotion exercise was kept on hold by Hon’ble Minister based on a



representation by few persons, was not proper. Amendment of the rules, while promotion exercise was going on may be considered a valid ground for suspending the ongoing exercise and in such contingency, promotion exercise can be held de-novo as per the new rules. However, in the present case, promotion exercise was stalled for amending the Service Rules and persons who were not eligible for promotion were made eligible by amending the Rules. Such act on the part of authorities cannot but be castigated as arbitrary and unreasonable.

22. We are of the considered opinion that promotion exercise cannot legally be stalled or delayed solely to bring other ineligible employees within zone of consideration. Service jurisprudence mandates that promotion process must follow statutory rules in force, ensuring fair and equal consideration of eligible persons, as per mandate of Article 14 and 16 of the Constitution of India. In other words, authorities cannot intentionally stall or fast-track a Departmental Promotion Committee review to favour specific candidates or artificially manufacture eligibility to exclude candidates who are otherwise eligible.

23. Available vacancies are governed by statutory rules in vogue at the time when consideration takes place, and amending the rules or delaying promotion exercise purposely to defeat the right of seniors can be examined by Courts/Tribunals and, if it is found arbitrary or mala fide, then necessary intervention can be made.



24. Even otherwise also, senior employees who are otherwise eligible, possess a fundamental right to be considered fairly as per the existing prevailing service rules, therefore bypassing the senior employees through irregular or rigged scheduling is legally invalid.

25. Learned Tribunal was, therefore, justified in arriving at the conclusion that promotion exercise was wrongly suspended for extraneous reasons and there was no element of public interest involved in the decision to suspend the promotion exercise.

26. Law is well settled that rules of the game cannot be changed once game commences. In the present case, the game was stopped midway in order to re-write the rules of the game, which cannot be justified. State was not able to offer any valid reason for suspending the promotion exercise, before learned Tribunal and before us also.

27. For the aforesaid reasons, this Court do not find any scope for interference with the judgment rendered by learned Tribunal. The writ petitions fail and are dismissed.

(Pankaj Purohit, J.) (Manoj Kumar Tiwari, J.)

25.08.2026

Mahinder/