IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S). No. 2898 of 2026

Vikash Sinha, aged about 43 years, son of late Ramendra Narayan Sinha, resident of Hurhuru, Flat No. G/1, P.O.+P.S. Hazaribagh, Dist. Hazaribagh, Jharkhand. ……. **Petitioner**

Versus

1. The State of Jharkhand
2. The Secretary, Department of Forest, Environment of Climate Change, Govt. of Jharkhand, having its office at Van Bhawn, Doranda, P.O. and P.S. Doranda, Dist. Ranchi, Jharkhand.
3. The Principal Chief Conservator of Forest, Department of Forest, Environment of Climate Change, Govt. of Jharkhand, having its office at Van Bhawan, Doranda, P.O. and P.S. Doranda, Dist. Ranchi, Jharkhand.
4. The Regional Chief Conservator of Forest, Department of Forest, Environment of Climate Change, Govt. of Jharkhand, having its office at Hazaribag, P.O. and P.S. Hazaribag, Dist. Hazaribag, Jharkhand.

……. **Respondents**.

CORAM: **HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner : Ms. Neeta Krishna, Advocate
Mr. Jay Shankar Tiwary, Advocate
For the State : Mr. Faisal Allam, AC to SC(M)-III

02/ 28.04.2026 The instant application has been preferred by the petitioner praying for a direction upon the respondent-authorities to grant the petitioner the benefits of 1st MACP on completion of 10 years of service and 2nd MACP on completion of 20 years of service.

2. The grievance of the petitioner is that he has been denied the benefits of MACP from the due date because of non-passing of departmental examination; however, the issue with regard to passing of departmental examination has already been set at rest by the Hon'ble Apex Court in the case of *Amresh Kumar Singh & Ors. Vs. State of Bihar & Ors.*[1]. Accordingly, the respondents be directed to grant 1st MACP w.e.f. 10.06.2012 on completion of 10 years of service in place of 06.08.2016 and also to grant 2nd MACP on completion of 20 years of service on 10.06.2022.

3. Learned counsel for the respondents submits that though counter-affidavit has not been filed but it is true that passing of

[1] 2023 SCC OnLine SC 496

departmental examination is not necessary for getting the benefits of MACP in view of the judgment rendered by the Hon'ble Apex Court and as such, similar direction may be given.

4. Having heard learned counsel for the parties and after going through the records, it appears that the similar issue was raised before the Co-ordinate Bench in *W.P.(S). No. 953 of 2026 (Dayanand Prasad & Ors. Vs. the State of Jharkhand & Ors.)* and the case was decided in favour of the petitioners of that case on the same line that necessary educational qualification should not come on the way of petitioner in getting situ promotion.

5. Accordingly, the respondent No. 3 is directed to verify the records of the case and grant necessary benefits of MACP by changing the date from 06.08.2016 to 10.06.2012 as the petitioner has completed 10 years of service on 10.06.2012 and as per MACP Scheme, the petitioner is duly entitled for the same and educational qualification cannot come in the way of getting the benefits of MACP.

6. The respondents are directed to rectify the date for grant of MACP benefits and extend the consequential benefits to the petitioner within a period of 10 weeks from the date of receipt/ production of a copy of this order.

7. In the result, the instant writ application stands allowed.

(Deepak Roshan, J.)

28th April, 2026
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