IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P (S) No. 3641 of 2026

Sunil Kumar Mahto, Aged about 46 years, son of L.C. Mahto, Resident of Katari Bagan, Samlong, P.O. & P.S. Namkom, District-Ranchi, Jharkhand- 834010.

..... Petitioner

V E R S U S

1. The State of Jharkhand, through its Chief Secretary, Project Bhawan, P.O. + P.S.-Dhurwa, District-Ranchi, Jharkhand.

2. The Transport Commissioner, Jharkhand Office of the Transport Commissioner, FFM Building, Dhurwa, P.O. + P.S.-Dhurwa, District-Ranchi, Jharkhand.

3. The Joint Transport Commissioner, Jharkhand, Office of the Transport Commissioner, FFM Building, Dhurwa, P.O. + P.S.-Dhurwa, District-Ranchi, Jharkhand.

4. Sri Vijay Gautam, Fathers name not known to the petitioner, Motor Vehicle Inspector (on deputation), currently posted at Hazaribagh, P.O. + P.S.-Hazaribagh, District-Hazaribagh, Jharkhand.

5. Sri Suraj Hemram, Fathers name not known to the petitioner, Motor Vehicle Inspector (on deputation), currently posted at Jamshedpur, P.O. + P.S.-Bistupur, District- Purbi Singhbhum, Jharkhand.

6. Sri Sunil Kumar Ram, Fathers name not known to the petitioner, Motor Vehicle Inspector (on deputation), currently posted at Latehar, P.O. + P.S.-Latehar, District- Latehar, Jharkhand.

7. Sri Ravin Ajay Singh, Fathers name not known to the petitioner, Motor Vehicle Inspector (on deputation), currently posted at Gumla, P.O. + P.S.-Gumla, District-Gumla, Jharkhand.

8. Sri Kamal Kishore, Fathers name not known to the petitioner, Motor Vehicle Inspector (on deputation), currently posted at Bokaro, P.O. + P.S.-Bokaro, District- Bokaro, Jharkhand.

9. Sri Vimal Kishore Singh, Fathers name not known to the petitioner, Motor Vehicle Inspector (on deputation), currently posted at Ranchi, P.O + P.S.-Kotwali, District-Ranchi, Jharkhand.

10. Sri Abhay Kumar, Fathers name not known to the petitioner, Motor Vehicle Inspector (on deputation), currently posted at Dhanbad, P.O + P.S.- & District- Dhanbad, Jharkhand. **..... Respondents**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

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For the Petitioner(s) : Mr. Sumeet Gadodia, Adv
For the Respondents : Mr. Indrajit Sinha, Adv.
Mr. Arpan Mishra, Adv.
For the Resp.-State : Mr. K.K.Singh, S.C.-V
Mr. Krishna Prajapati, AC to SC-V

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C.A.V. ON: 24/09/2026 **PRONOUNCED ON:04/11/2026**

1. Heard learned counsel for the parties.

2. The instant writ application has been preferred by the petitioner for the following reliefs;

> *(a) Issue a Writ in the nature of Quo Warranto directing Respondents No. 4 to 10 to show cause by what authority they hold the statutory post of Motor Vehicle Inspector in the districts of Jharkhand, and upon the return to said rule, to quash and set aside their deputation/ appointment to the said post as being without jurisdiction and contrary to the MVI Cadre Rules, 2010 (as amended in 2020) and the Motor Vehicles Act, 1988 as well as against the order dated 29.01.2015 passed in W.P.(C) No. 4233 of 2013 by Hon'ble Jharkhand High Court;*
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> *And*
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> *(b) Issue a Writ of Certiorari or any other appropriate writ, order or direction quashing and setting aside Office Order No. वा०आ०सं०-परि० वि० (शमन)-18/2018, dated 17.03.2026, issued by the Joint Transport Commissioner, Jharkhand.*
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> *And*
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> *(c)Issue a Writ of Mandamus directing Respondents No. 1, 2 and 3 to forthwith comply with the direction issued by this Hon'ble Court in W.P.(C) No. 4233 of 2013 vide order dated 29.01.2015, and to initiate and complete the process of regular recruitment and appointment of Motor Vehicle Inspectors through the Jharkhand Staff Selection Commission strictly in accordance with the MVI Cadre Rules, 2010 as amended, within a time-bound period to be fixed by this Hon'ble Court;*
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> *And*
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> *(d)Issue a direction declaring that no person who is not a member of the Jharkhand Motor Vehicle Inspector Cadre, duly*

appointed through the process prescribed under the MVI Cadre Rules, shall be allowed to exercise the powers and discharge the duties of a Motor Vehicle Inspector under the Motor Vehicles Act, 1988 in any district of Jharkhand;

And

(e) Issue ex-parte ad interim stay / interim relief staying the operation of Office Order dated 17.03.2026 and restraining Respondents No. 4 to 10 from exercising any powers of compounding under Section 200 of the Motor Vehicles Act, 1988 or from discharging any statutory functions of a Motor Vehicle Inspector in any district of Jharkhand, pending disposal of this writ petition.

Case of the Petitioner

3. The petitioner is aggrieved of the continued posting /deputation of persons not belonging to the Jharkhand Motor Vehicle Inspector Cadre, not possessing the prescribed eligibility and qualifications, and not appointed under the *Jharkhand Motor Vehicle Inspector Cadre (Recruitment, Promotion and Other Conditions of Service) Rules, 2010* as amended by the *Amendment Rules, 2020* for the post of Motor Vehicle Inspector in various district of Jharkhand.

4. The case of the petitioner is that the private respondents do not possess the eligibility criteria for posting on deputation on the post of Motor Vehicle Inspector. Further, it is the case of the petitioner that the process of regular selection and appointment of Motor Vehicle Inspector has to be completed at the earliest.

Case of the State Government

5. The Respondent No.4 has been appointed as regular Motor Vehicle Inspector. A meeting was held under the

Chairmanship of the Chief Minister on 15.12.2020 and it was directed to depute persons as Motor Vehicle Inspector (hereinafter referred as "MVI") who are fulfilling the criteria to be selected as MVI until regular recruitment process is completed. The sanctioned posts of MVI have been increased to 70 and 50 posts have been filled up through regular recruitment.

Case of the Private Respondents

6. The private respondents have filed an affidavit and stated that in terms of *Jharkhand Motor Vehicle Inspector Cadre Rules, 2010* as amended in 2020, the private respondents fulfill the eligibility criteria and qualifications for the post of MVI. The private respondents have pointed out at paragraph-7 of the affidavit that the private respondents fulfill the eligibility criteria and qualifications.

7. It has been pointed out by the private respondents that the petitioner has relied upon the order dated 29.01.2015 passed in *W.P.(C) No. 4233 of 2013* wherein the writ petition was withdrawn and a direction was given to the State of Jharkhand to ensure that in future a person who is not competent to hold the post of MVI may not be deputed on such post.

The private respondents have tried to distinguish the order dated 29.01.2015 passed in W.P.(C) No. 4233 of 2013.

The petitioner has not challenged the deputation of the private respondents since the year 2021 and the writ petition has been filed in the year 2026 and no explanation has been given for the delay.

8. Further case of the private respondents is that the writ of quo-warranto is not maintainable as it lies only where a person usurps a public office and the appointment has been made contrary to statutory provisions.

9. The prayer with respect to the writ of mandamus is not maintainable in view of the fact that the petitioner has not disclosed any credentials in the writ petition nor has any locus for seeking such remedy. The petitioner has no legal vested right for seeking a writ of mandamus.

Analysis

10. Before we enter into a substantive analysis of the submissions, it would be appropriate to deal with the limits of the writ of quo warranto.

11. Through a line of cases, the Hon'ble Apex Court has laid out the terms on which the writ of quo warranto may be exercised. In *University of Mysore versus C.D. Govindra Rao,* reported in *(1964) 4 SCR 575* a Constitution Bench of the Supreme Court has held that:

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> *"Broadly stated, the quo warranto proceeding affords a judicial enquiry in which any person holding an independent substantive public office, or franchise, or liberty, is called upon to show by*

*what right he holds the said office, franchise or liberty; if the inquiry leads to the finding that the holder of the office has no valid title to it, the issue of the writ of quo warranto ousts him from that office. In other words, the procedure of quo warranto confers jurisdiction and authority on the judiciary to control executive action in the matter of making appointments to public offices against the relevant statutory provisions; it also protects a citizen from being deprived of public office to which he may have a right. It would thus be seen that if these proceedings are adopted subject to the conditions recognized in that behalf, they tend to protect the public from usurpers of public office; in some cases, persons, not entitled to public office may be allowed to occupy them and to continue to hold them as a result of the connivance of the executive or with its active help, and in such cases, if the jurisdiction of the courts to issue writ of quo warranto is properly invoked, the usurper can be ousted and the person entitled to the post allowed to occupy it. It is thus clear that before a citizen can claim a writ of quo warranto, he must satisfy the court, inter alia, that the office in question is a public office and is held by usurper without legal authority, and that necessarily leads to the enquiry as to whether the appointment of the said alleged usurper has been made in accordance with law or not.***"***

(emphasis supplied)

12. In High Court of Gujarat versus *Gujarat Kishan Mazdoor Panchayat reported in (2003) 4 SCC 712*, the Hon'ble Apex Court has held:

"22. *The High Court in exercise of its writ jurisdiction in a matter of this nature is required to determine at the outset as to whether a case has been made out for issuance of a writ of certiorari or a writ of quo warranto. The jurisdiction of the High Court to issue a writ of quo warranto is a limited one. While issuing such a writ, the Court merely makes a public declaration but will not consider the respective impact on the candidates or other factors which may be relevant for issuance of a writ of certiorari. (See R.K. Jain v. Union of India, SCC para 74.)*

23. *A writ of quo warranto can only be issued when the appointment is contrary to the statutory rules. (See Mor Modern Coop. Transport Society Ltd. versus Financial Commr. & Secy. to Govt. of Haryana)***."**

13. In *B. Srinivasa Reddy versus Karnataka Urban Water Supply & Drainage Board Employees' Assn.* reported in *(2006) 11 SCC 731*, the limitations of the writ of quo warranto were elaborated upon by the Hon'ble Supreme Court. The Supreme Court has held as under:

"49. [...] *The jurisdiction of the High Court to issue a writ of quo warranto is a limited one which can only be issued when the appointment is contrary to the statutory rules.*

[...]

> ***51***. *It is settled law by a catena of decisions that the court cannot sit in judgment over the wisdom of the Government in the choice of the person to be appointed so long as the person chosen possesses the prescribed qualification and is otherwise eligible for appointment. This Court in R.K. Jain v. Union of India [(1993) 4 SCC 119] was pleased to hold that the evaluation of the comparative merits of the candidates would not be gone into a public interest litigation and only in a proceeding initiated by an aggrieved person, may it be open to be considered. It was also held that in service jurisprudence it is settled law that it is for the aggrieved person, that is, the non-appointee to assail the legality or correctness of the action and that a third party has no locus standi to canvass the legality or correctness of the action. Further, it was declared that public law declaration would only be made at the behest of a public-spirited person coming before the court as a petitioner…"*
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> *(emphasis supplied)*

14. In *Central Electricity Supply Utility of Odisha versus Dhobei Sahoo,* reported in *(2014) 1 SCC 161* the Hon'ble Supreme Court has held:

> ***"21. [...]*** *From the aforesaid exposition of law it is clear as noonday that the jurisdiction of the High Court while issuing a writ of quo warranto is a limited one and can only be issued when the person holding the public office lacks the eligibility criteria or when the appointment is contrary to the statutory rules. That apart, the concept of locus standi which is strictly applicable to service jurisprudence for the purpose of canvassing the legality or correctness of the action should not be allowed to have any entry, for such allowance is likely to exceed the limits of quo warranto which is impermissible. The basic purpose of a writ of quo warranto is to confer jurisdiction on the constitutional courts to see that a public office is not held by usurper without any legal authority.*
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> ***50.*** *It is a well-known principle that the employer can ask an officer to remain in charge of another office till the said post is filled up. It is within the permissible authority of the employer. Under the Scheme the Chairman was not getting any remuneration. He was only getting sitting fees. Looking at his ability and efficiency the Commission thought it appropriate that he should be given the charge of CEO and accordingly an honorarium was fixed. Honorarium was not equivalent to the salary. The High Court has erroneously opined that it was an appointment. The fifth respondent was not getting two sets of salary. Thus analysed, we have no hesitation that the reasons ascribed by the High Court to quash the arrangement are unacceptable and, accordingly, the decision on that score deserves to be lancinated and we so do.***"**
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> *(emphasis supplied)*

15. From the aforesaid judgments, the principles that emerge are these. The jurisdiction to issue a writ of quo-

warranto is limited. The writ issues only where **(i)** the office in question is a public office, and **(ii)** it is held by a person without legal authority i.e. either the holder lacks the prescribed eligibility or the appointment is contrary to the statutory rules.

16. In the present case, from the documents available on record and the pleadings of the parties, it is clear that the private respondents have the eligibility criteria in terms of the Rules. The qualifications have been mentioned at paragraph-7 of the affidavit filed by the private respondents. The petitioner also could not demonstrate the fact that the petitioner lacks the eligibility criteria for the post.

17. The petitioner has not placed any material to show that any of the private respondents does not possesses the qualifications. In the absence of any such material, the foundational requirement for a writ of quo-warranto, namely that the private respondents lack the eligibility criteria, is not established.

18. So long as the incumbent possesses the prescribed qualifications and is otherwise eligible, the Court cannot not sit in judgment over the choice made by the State Government. An arrangement under which the employer asks an eligible person to hold charge of a post until it is regularly filled, is within the employers' permissible authority.

19. It was also contended by the petitioner that the cadre rules contemplate appointment only through the modes prescribed therein, and that a person who is not a member of the cadre, cannot discharge the functions of the posts.

20. The private respondents have not been appointed to the cadre; nor do they claim any right to be absorbed in it. They have been deputed, on the basis of the policy decision of the State, to discharge the duties of the post only until regular recruitment is completed.

The State Government has stated that the sanctioned strength has been enhanced to 70 and that 50 posts have already been filled through regular recruitment, which shows that the deputation is a stop gap measure and not a substitute for regular recruitment.

21. As held in *Dhobei Sahoo (supra)*, the employer may ask an eligible officer to remain in charge of a post until it is filled. Such an arrangement, made in favour of persons who possess the qualifications prescribed for the posts, cannot be described as usurpation of public office.

22. The order dated 29.01.2015 passed in *W.P.(C) No. 4233 of 2013* is a direction to the State Government to ensure that in future, a person who is not competent to hold the post of MVI is not deputed to that post. The direction does not prohibit deputation as such. It prohibits only the deputation of

person who are not competent to hold the post. Since, the private respondents have been found to possess the prescribed qualifications, their deputation is consistent with the order and not in breach with the order passed by the Court.

23. The petitioner has also has not disclosed any credentials in the writ petition for seeking a writ of mandamus. The petitioner has failed to disclose any legal vested right for seeking a writ of mandamus.

24. For the reasons recorded above, this court finds that there is no ground for seeking a writ of quo-warranto by the petitioner as the respondent No.4 is a regularly appointed MVI, and the respondent No.5 to 10 possess the prescribed qualifications and are discharging the duties of MVI on deputation as stop gap arrangement.

25. Accordingly, the writ petition stands dismissed. Pending I.A., if any, also stands disposed of.

(Deepak Roshan, J.)

Dated:04/11/2026
Amardeep/
A.F.R
Uploaded
5.11.2026