IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P (S) No. 4230 of 2025

Dinesh Kumar Pradhan, aged about 64 years, S/o Late Akshaya Pradhan, resident of Village-Kudasingi, P.O. Aamda, P.S.Kharsawan, District-Saraikela-Kharsawan.

..... Petitioner

V E R S U S

1. The State of Jharkhand through the Secretary/ Principal Secretary, School Education and Literacy Department, having office at Project Building, Dhurwa, P.O. & P.S.-Dhurwa, Town and District-Ranchi.
2. The Director, Secondary Education, School Education and Literacy Department, having office at MDI Building, Near Project Bhawan, P.O. & P.S.-Dhurwa, Town and District-Ranchi.
3. The Regional Joint Director of Education, Kolhan Division, Chaibasa, P.O. & P.S.-Chaibasa, District- West Singhbhum.
4. The District Superintendent of Education, West Singhbhum, Chaibasa, P.O. & P.S.-Chaibasa, District-West Singhbhum.

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

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For the Petitioner(s) : Mr. Manoj Tandon, Advocate
Mr. Neha Bhardwaj, Advocate
Mr. Siddharth Ranjan, Advocate
Mr. Karamjit S. Chhabra, Advocate

For the Resp.-State : Mr. Mithilesh Singh, G.A.-IV
Mr. Vishal Kr. Rai, A.C. to G.A.-IV

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C.A.V. ON: 29/10/2026 **PRONOUNCED ON:04/11/2026**

1. Heard learned counsel for the parties.

2. The instant writ application has been preferred for the following reliefs in the writ petition:-

> *"(i) To quash and set aside the decision contained in Memo No.2240 dated 20.12.2024 (Annexure-8) issued under the pen and signature of District Superintendent of Education, West Singhbhum, Chaibasa whereby the claim of the petitioner has been rejected on a non est ground.*
> *(i) To further direct the respondents to pay the benefits of 1st ACP in the scale of 5000-8000 to the petitioner with effect from 17.05.2003 and 2nd MACP in the scale of 5500-9000 (unrevised) and PB-II 9300-34800 with Grade Pay 4600 (Revised) with effect from 17.05.2011 in the light of the decision taken by the Regional Deputy Director of Education (now known as Regional Joint Director of Education) contained in Memo No.63 dated 30.01.2019, which was the compliance of order dated 13.11.2017 (Annexure-2) passed in W.P.(s) No.5123 of 2014, in which the name of this petitioner*

appears at Sl. No.18.
(ii) To hold and declare that the District Superintendent of Education (Respondent No.4) has no power and jurisdiction to reject the claim of the petitioner as he is not the appointing authority of the petitioner.
(iii) For any other appropriate relief or relies to which the petitioner is found to be entitled in the facts and circumstances of this case as also to do conscionable justice to the petitioner."

3. The petitioner has pleaded in the writ petition that he was appointed on 17.05.1991 on the post of Clerk in the Education Department (now known as School Education and Literacy Department), Government of Jharkhand. He retired on 31.05.2021 as such from the office of the District Superintendent of Education, West Singhbhum, Chaibasa. He completed 12 years of service on 17.05.2003 and 20 years of service on 17.05.2011.

The 1st ACP was granted to the petitioner in the scale of 4500-7000 on completion of 12 years. Similarly, the 2nd MACP was granted to the petitioner in the scale of 5000-8000 on completion of 20 years of service with effect from 17.05.2011.

4. As per the petitioner, he was entitled for grant of 1st ACP in the scale of 5000-8000 with effect from 17.05.2003 and 2nd MACP in the scale of 5500-9000 (unrevised) and PB-II, 9300-34800 with Grade Pay (GP) 4600 (revised) with effect from 17.05.2011.

5. When the request of the petitioner was not acceded to, the petitioner along with others filed writ petition, which was registered as *W.P.(S) No.5123 of 2014*. The petitioner was arrayed

as Petitioner No.18 in the said writ petition. This writ petition was disposed of on 13.11.2017 with observation that since the petitioners have pleaded that their case are similar to *Shri Shridhar Jha, Shri Sona Ram Deogham* and *Shri Awadhesh Kishor* who enjoyed the benefits of 1st ACP in the scale of 5000-8000 and 2nd in the scale of 5500-9000 and there was a direction to the State to file reply thereto but no reply was filed, the writ petition was disposed of with a direction to consider all such aspects and take a decision. It was further observed that such decision must be taken within 6 weeks and if the petitioners are found entitled, the benefits be extended within 4 weeks thereafter.

6. Against the said order, L.P.A. No.153 of 2018 was filed by the State of Jharkhand. However, in the meantime the Regional Deputy Director of Education (RDDE), Kolhan Division, Chaibasa passed Office Order extending the benefits by Memo No.45 dated 31.01.2020 in which the name of this petitioner appears at Sl. No.18. Accordingly, the Letters Patent Appeal, being *L.P.A No.153 of 2018* was dismissed as not pressed on 03.12.2020.

7. At this stage, it is necessary to point out that the earlier order of the Regional Deputy Director of Education was made subject to the result of the Letters Patent Appeal, but after the disposal of the Letters Patent Appeal, the Office Order No.561

dated 24.07.2023 was also issued. It was stated in the said order that in the light of the order passed in L.P.A. No.153 of 2018 the direction for payment is being made.

In view of the fact that the competent authority directed for extending the benefits, the petitioner approached the District Superintendent of Education for payment of benefits accrued to the petitioner, as the District Superintendent of Education, West Singhbhum, Chaibasa was the Drawing and Disbursing Officer. The District Superintendent of Education was simply required to follow and pay the benefits to the petitioner, but instead, he passed the impugned order contained in Memo No.2240 dated 20.12.2024 rejecting the claim of the petitioner and hence the writ petition has been filed challenging the same before this Court.

8. A counter affidavit has been filed by respondent no.2 who is none else but the Director, Secondary Education, School Education and Literacy Department, Government of Jharkhand. The affidavit is sworn by the Director, Secondary Education. Stand has been taken in the counter affidavit, inter alia, that the Regional Deputy Director of Education, Kolhan Division, Chaibasa has already taken a decision by Memo No.63 dated 30.01.2019 and Memo No.45 dated 31.01.2020 to pay the benefits to the petitioner in the light of the order passed in W.P.(s) No.5123 of 2014 and other analogues case.

9. Mr. Manoj Tandon, learned Counsel appearing for the petitioner submits that the order impugned is neither sustainable in law nor on facts. He refers paragraph no.20 of the writ petition wherein altogether 9 grounds have been taken to challenge the impugned order but the same has not been replied at all in the counter affidavit. He submits further that on one hand paragraph no.20 of the writ petition has not been replied to and on the other hand the Director, who is the deponent of counter affidavit filed by Respondent, admits in paragraph no.9 that the Regional Deputy Director of Education has already taken a decision to extend the benefits to the petitioner in the light of order passed in W.P.(s) No.5123 of 2014. Therefore, the impugned order cannot be sustained in the eye of the law.

10. Learned Counsel for the petitioner further submits that Regional Deputy Director of Education, Kolhan is the appointing authority of the Class-III employee, like the petitioner, who was posted and retired as a Clerk. District Superintendent of Education has no power and jurisdiction to decide the claim of the petitioner. Once the Higher Officer, who is competent to take a decision, has already taken a decision, the District Superintendent of Education has no business to pass the impugned order contrary to the decision taken by the Regional Deputy Director of Education. He, therefore, submits that the

impugned order is fit to be set aside by extending the benefits to the petitioner.

11. On the other hand, Mr. Mithilesh Singh, appears for the respondents-State of Jharkhand and submits that the order impugned is passed by District Superintendent of Education. He submits that in the light of the order passed by this Court in earlier round of litigation, the Regional Deputy Director of Education passed orders but thereafter the District Superintendent of Education has passed impugned order. He defends the order impugned.

12. Having heard learned Counsel for the parties, this Court is of the view that once the writ petition was disposed of by this Court in earlier round of litigation and the appeal preferred thereagainst was dismissed as not pressed, the benefits accrued to the petitioner must be extended to him.

13. Moreover, after the order passed by this Court contained in Annexure-1, the high-ranking Officer, Regional Deputy Director of Education (RDDE) has already passed orders on 30.01.2019, 31.01.2020 and 24.07.2023 extending the required benefits to the petitioner. Once the high-ranking Officer has passed the orders, the District Superintendent of Education was required to follow the same and pay the benefits as he is the Drawing and Disbursing Officer. Instead, he has passed the impugned order without considering that the high-ranking

Officer (the RDDE), had already decided the claim of the petitioner along with others.

14. Moreover, from perusal of the counter affidavit and the paragraph no.9 thereof, in particular, it appears that the State already admits that the Regional Deputy Director of Education (now known as Regional Joint Director of Education) has already passed orders in Memo No.63 dated 30.01.2019 and Memo No.45 dated 31.01.2020. Once this position is accepted, the District Superintendent of Education has no cause of action to pass the impugned order.

15. In the light of the above facts, the impugned order contained in Memo No.2240 dated 20.12.2024 (Annexure-8 of the writ petition), is hereby, quashed and set aside. The respondents are directed to pay benefits of 1st ACP in the scale of 5000-8000 and 2nd MACP in the scale of 5500-9000 (PB-II, 9300-34800 with Grade Pay of 4600) to the petitioner with effect from 17.05.2003 and 17.05.2011 respectively.

The benefits must be extended to the petitioner within a period of 10 weeks from the date of receipt of a copy of this order.

16. Accordingly, the instant writ petition stands allowed. No order as to costs. Pending I.A., if any, also stands disposed of.

(Deepak Roshan, J.)

Dated:04 / 11/ 2026
Amardeep/
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5.11.2026