IN THE HIGH COURT OF JHARKHAND AT RANCHI

I.A. No. 6896 of 2025

In/and

L.P.A. No. 432 of 2025

1. The State of Jharkhand through the Secretary, School Education and Literacy Department, having its office at Project Building, P.O. and P.S. - Dhurwa, District - Ranchi.
2. The Director, Secondary Education, Secondary Education Directorate, School Education and Literacy Department, Project Building, P.O. + P.S. Dhurwa, Ranchi
3. The District Education Officer, Dhanbad.

... Appellants

Versus

1. Hasib Ahmad Usmani, son of Late S.S. Ahmad Usmani, Resident of Upper Kulhi, New Basti, Jhariya, P.O. and P.S. - Jhariya, District - Dhanbad.
2. Dhanbad Pran Jivan Academy (Bengali Linquistics Minority School) through its Secretary, office at School Campus, Old Station, Barmasia, P.O. Manaitand, P.S. - Dhansar, District - Dhanbad.

... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellants: Mr. Manish Kumar, Sr. S.C.-II
Mr. Ashwini Bhushan, A.C. to Sr. S.C.-II

For Resp. No. 1: Mr. Prabhat Kumar Sinha, Advocate
Mr. Anish Lal, Advocate
Mr. Mayank Mridul, Advocate

03/Dated: 02.09.2026

I.A. No. 6896 of 2025

1. Heard learned counsel for the parties

2. This Interlocutory Application seeks condonation of delay of 168 days in filing the accompanying appeal.

3. We have perused the reasons set out in the I.A. Considering the peculiar facts of this case, we hold that sufficient cause has been shown.

4. Accordingly, the delay is condoned and I.A. No. 6896 of 2025 is disposed of.

L.P.A. No. 432 of 2025

5. At the request of and with the consent of the learned counsel for the parties, the appeal is taken up for consideration.

6. At the outset, Mr Prabhat Kumar Sinha, learned counsel for respondent No.1) (original petitioner) submits that the issue raised in this appeal is squarely covered by this Court's order dated 12.05.2026 in L.P.A. No. 302 of 2025. He submitted that the communication dated 07.11.2022 by which approval was denied for the respondent's promotion on the sole ground that respondent No.1 had already retired, included not only the case of the present respondent No.1 but also the case of Indrani Chakrabarti and others.

7. Mr Sinha submitted that the learned Single Judge in W.P.(S) No. 4533 of 2023 instituted by Indrani Chakrabarti and the appellate Court held that the impugned decision/order dated 07.11.2022 was quite cryptic and vitiated by non-application of mind. The Court also noted that the respondent's retirement was not particularly relevant, given that the appellants themselves had delayed considering the proposal for approval.

8. Perusal of the order dated 07.11.2022 shows that it concerned not only Indrani Chakrabarti but also the respondent in the present appeal.

9. Mr Ashwini Bhushan, learned A.C. to Sr. S.C.-II for the appellants, however, sought to distinguish the order in L.P.A. No. 302 of 2025 by pointing out that in the said case the

recommendation for promotion was sent within six months whereas in the present case, the same was sent after two years. He submitted that this is a relevant distinguishing feature and therefore, the order in L.P.A. No. 302 of 2025 would not apply to this case.

10. In this case, as well as in L.P.A. No. 302 of 2025 the recommendation was sent to the appellants much before the respondents in the two appeals retired from service upon attaining the age of superannuation. No approval was granted for a long time, and ultimately, the respondents retired on attaining the age of superannuation.

11. After their retirement, the recommendations/proposals for promotion were rejected on the ground that the respondents had already retired from service by order dated 07.11.2022. As noted earlier, this order, inter alia, includes the names of the respondent in this appeal and Indrani Chakrabarti, the respondent in L.P.A. No. 302 of 2025.

12. In L.P.A. No. 302 of 2025, this Bench did not approve the appellants' action and dismissed the appeal, agreeing with the learned Single Judge's reasoning that the appellants should not be permitted to take advantage of their own inaction and delay. In such circumstances, the fact that the recommendation in this case was made after two years and in L.P.A. No. 302 of 2025, the recommendation was made after six months, is not at all a relevant factor. In both the cases, recommendations were made much before the respondents retired from service.

13. Accordingly, we are satisfied that the issue raised in this appeal is squarely covered by our order dated 12.05.2026 in L.P.A. No. 302 of 2025. Therefore, by adopting the reasoning in the said order, we dismiss this appeal without any order for costs.

14. If consequential benefits have not been paid to respondent No. 1 today, that must be paid within six months from today. If there is any difficulty in payment, the amounts can be deposited in this Court after giving due intimation to the learned counsel for respondent No. 1. Upon deposit, respondent No.1 would be at liberty to withdraw the same by providing his identity and bank details. Registry should transfer the amount directly to the respondent's bank account.

15. Mr Sinha points out that despite similar orders for deposit in L.P.A. No. 302 of 2025, the appellants have not bothered to pay the consequential benefits. Therefore, this time, we direct the appellants to file a compliance report in this Court by 15th October 2026.

16. The Director, Secondary Education, Government of Jharkhand, Dhurwa, Ranchi shall be personally responsible for ensuring compliance. If the consequential benefits are not paid within six weeks, then they shall carry interest at the rate of 7% per annum from the date on which such amounts became due till the same are actually paid. The Director, Secondary Education shall have to pay the interest component personally. This is because there is no point in burdening the taxpayers for lapses on the part of the Government officials.

17. The appeal is dismissed with the above direction and without any order for costs. However, place the matter on 26th October 2026 to consider the compliance report.

18. Other pending Interlocutory Applications, if any, do not survive and are disposed of.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

September 02, 2026
N.A.F.R.
APK/VK
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