IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 3621 of 2019

Devisal Hansda, Aged about 63 years, Son of Sri Karu Hansda, resident of Vijaypur, P.O.. Bando Haripur, P.S.: Dumka (M), District: Dumka, Retired from the post of Lecturer, Govt. Teachers' Training College, Deoghar (Jharkhand) **... … Petitioner(s)**

Versus

1. The State of Jharkhand
2. The Principal Secretary, School Education & Literacy Department, Govt. of Jharkhand, at: Project Bhawan, PO. & P.S.: Dhurwa, District: Ranchi.

3 The Deputy Secretary, School Education & Literacy Department, Govt. of Jharkhand, at: Project Bhawan, PO & PS: Dhurwa, District: Ranchi.

4.The Director, Secondary Education, School Education & Literacy Department, Govt. of Jharkhand, at: Project Bhawan, P.O. & P.S.: Dhurwa, District: Ranchi. **... … Respondent(s)**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Mr. Sudhir Kumar Sharma, Advocate
Mr. Shashi Shekhar Dwivedi, Advocate
For the Respondent(s) : Mrs. Sweta Shukla, AC to AAG-II

Order No. 12 /Dated: 29th January 2026

The instant writ application has been preferred by the petitioner for the following reliefs:

> *"1(i)For issuance of an appropriate writ (s) /order(s) / direction(s), or a writ in the nature of Certiorari for quashing order dated 23rd October, 2018 (Annexure 9), passed by the Secretary, School Education & Literacy Department, Govt. of Jharkhand, contained in Memo No. 339 dated 12.12.2018, whereby prayer for grant of exemption from passing departmental examination has been rejected on the ground that the petitioner did not comply the conditions stipulated in Letter no. 474 dated May, 1992, issued by the department of Personnel, administrate Reforms, Govt. of Bihar.*
> *(ii) For issuance of an appropriate writ (s) /order(s) / direction(s), or a writ in the nature of Certiorari for quashing order dated 1st March, 2019 (Annexure 10) passed by Secretary, School Education & Literacy Department, Govt. of Jharkhand, contained in Memo No. 688 dated 1st March, 2019, whereby & where under the respondent no. 2 has rejected the prayer of the petitioner for adding services rendered by him, as Assistant Teacher, for the period 26th April, 1988, till 30th September, 1997 with Bihar Education Services, for the purposes of pensionary benefits, on the ground that services under education service is not confirmed as petitioner did not pass the departmental examination and prayer for grant of exemption from passing the Departmental Examination has been rejected.*

(iii) For passing an appropriate order/writ/direction, commanding upon the respondents to grant exemption from passing of Departmental Examination, as he had already completed 50 years of age on 18th of March, 2006 and thereafter represented to competent authority for granting exemption from appearing in Departmental Examination, which has been illegally rejected:
(iv) For providing benefits of Modified Assured Career Progression (M.A.C.P.) and other monetary benefits, for which the petitioner is entitled, after granting exemption from passing Departmental Examination;
(v) For issuance of an appropriate writ (s) /order(s) / direction(s), commanding upon the respondents to provide him the benefits of the services rendered by him since 26.04.1988 till 30.09.1997, under Sub-ordinate Education Services before joining the Bihar Education Service, Class-II, in fixation of pension, gratuity, Leave Encashment etc.

AND/OR

For any other relief/reliefs for which the petitioner is legally entitled to, in the facts & circumstances of this case."

2. The petitioner had earlier approached this Court in W.P.(S) No. 3645 of 2014 wherein this Court had categorically held that since the petitioner had crossed the age of 50 years, there was no occasion for the petitioner to appear again in the departmental examination as per Rule. The petitioner had rightly approached the respondent-authorities for giving the relaxation as per Rule 1992 which was illegally rejected by the respondent-authorities. For brevity paragraph no. 5 of the order dated 07.07.2017 passed in W.P.(S) No. 3645 of 2014 is extracted hereinbelow:

"5. *Be that as it may, having gone through the rival submissions of the parties, this Court is of the considered view that the case of the petitioner needs consideration. With regard to first prayer, there is a specific Rule for examination to the employees, who have crossed 50 years and who have appeared and declared unsuccessful. The petitioner appeared in the year, 2007 and at that time he had crossed the age of 50 years there was no occasion for the petitioner to appear again in the said examination as per Rule. The petitioner has rightly approached the respondent-authorities for giving the said relaxation as per Rule 1992, which was illegally rejected by the respondent-authorities."*

3. It has been informed that the said order has attained finality in view of the fact that neither any review application has been filed; nor any appeal has been preferred by the State and now taking the same ground of Rule 1992 by submitting that the petitioner has only appeared once in the departmental examination and as per Rule 1992, any employee was supposed to appear in departmental examination again and again and only then; if the employee crosses the age of 50 years, he would be exempted from examination.

But this contention of the Respondents, now, is not sustainable in view of specific finding made in paragraph no. 5 of the order referred to hereinabove, which was decided in favour of the petitioner. Therefore, the impugned order dated 23.10.2018 at Anenxure-9 to the writ application which gives reference of Rule 1992 does not make any sense.

4. Accordingly, impugned order dated 23.10.2018 at Anenxure-9, is hereby, quashed and set aside and the concerned respondent is directed to revisit with the order strictly in compliance to paragraph no. 5 of the order passed by this Court in W.P.(S) No. 3645 of 2014 and pass an order of payment with differential pay and all consequential benefits.

5. So far as the prayer of the petitioner for clubbing of two services is concerned, wherein the respondents vide order dated 01.03.2019 have again taken a stand of non-passing of departmental examination, it is hereby directed to revisit with the order in view of the fact that this Court has already deliberated on the issue of passing of the examination and since the same ground has been taken, the respondents are directed also to take a decision with regard to clubbing of two services ignoring the ground of passing of the departmental examination.

6. Accordingly, the instant writ application stands allowed.

7. Pending I.As, if any, also stand disposed of.

(Deepak Roshan, J.)

29th January 2026
Amit

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