IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P(S). No. 3902 of 2025

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1. Amar Kumar Sinha, aged about 69 years, Son of Chandra Shekhar Prasad, residing at Madhopur, P.O: - & P.S.- Basdeopur, District-Munger, Bihar.

2. Md. Hasibul Rahman, aged about 63 years, Son of Seikh Shamsuddin, residing at Quaryadar Mohna Baliharpur Asiani, P.O & P.S. Durgaganj, District-Katihar, Bihar. **.....Petitioner(s)**

Versus

1. The State of Jharkhand.
2. The Principal Secretary, Personnel, Administrative and Rajbhasa, Department, Govt. of Jharkhand, Project Building, Dhurwa, P.O.-Dhurwa, P.S. Jagarnathpur, District- Ranchi.
3. The Principal Secretary, Department of Planning & Finance, Govt. of Jharkhand, Project Building, Dhurwa, P.O.-Dhurwa, P.S.-Jagarnathpur, District- Ranchi.
4. The Principal Secretary, Agriculture, Animal Husbandry and Co-operative Department (Co-operative Section), Govt. of Jharkhand, Nepal House, Doranda, P.O. & P.S. Doranda, District- Ranchi.
5. The Registrar, Co-operative Society, Jharkhand Ranchi, having office at Pashupalan Bhawan, Hesag, P.O.- Hatia, P.S.-Jagarnathpur, (Jharkhand). District- Ranchi
6. The Deputy Registrar, Co-operative Society, Jharkhand Ranchi, having office at Pashupalan Bhawan, Hesag, P.O.- Hatia, P.S.- Jagarnathpur, District- Ranchi (Jharkhand).
7. The Assistant Registrar, Co-operative Society, Godda, Circle Godda, P.O, P.S & District-Godda, Jharkhand.
8. The Assistant Registrar, Co-operative Society, Sahebganj, P.O, P.S & District- Sahebganj, Jharkhand. **.....Respondent(s)**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioners : Mr. Deepak Kr. Dubey, Advocate
: Mr. Ruhi Dubey, Advocate
For the Respondents : Mr. Varun Prabhakar, AC to GP-III

12/ Dated: 16.09.2026

1. Heard learned counsel for the parties.

2. The instant application has been preferred by the petitioner for the following relief(s):-

> ***i. For issuance of an appropriate writ(s)/order(s)/direction(s) particularly a writ in the nature of Mandamus commanding upon the respondents to grant the benefit of 2nd MACP (Modified Assured Career Progression) to the Petitioner No.1 on completion of 20 years of his service i.e. from 12.01.2010 and Petitioner No.2 on completion of 20 years of his service i.e. from 05.06.2013 on the pay scale of Rs.9300-34800 GP 4800 (Pay matrix level 8) as the several Co-operative extension officers who have completed 20 years of their services have been granted 2nd MACP.***
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> ***ii. For issuance of an appropriate writ(s)/order(s)/direction(s) particularly a writ in the nature of Mandamus commanding upon the respondents to grant the benefit of 2nd MACP (Modified Assured Career Progression) to the Petitioner No.1 on completion of 20 years of his service i.e. from 12.01.2010 and Petitioner No.2 on completion of 20 years of his service i.e. from 05.06.2013 as because memo no. 1779 of 21.05.2014 is not at all applicable to the petitioner which has been made effective from the date of issuance, prospectively not retrospectively and also direct the respondent authorities to make payment of consequential benefits with statutory interest there upon.***

3. The grievance of the petitioner is that only on the ground of non-passing of examination in regional language, the petitioners are not being extended the 2nd MACP benefit. He submits that the law is now well settled that passing of examination is not condition precedent for getting any financial benefits. Ld. Counsel further submits that the issue has already been settled by the Hon'ble Apex Court in the case of ***Amresh Kumar Singh & Ors. vs. The State of Bihar and Ors.*** reported in ***(2023) SCC Online SC 496.***

4. Ld. Counsel for the respondents submits that in the counter-affidavit, the only stand is with regard to the non-passing of departmental examination in regional language; however, he could not dispute the fact that the issue has been decided and set at rest by the Hon'ble Apex Court in the above referred case. The further stand of the respondent is that he has not sought any leave from the department from passing the examination after crossing 50 years of age.

5. Having heard learned counsels for the parties and after going through the order passed in the case of ***Amresh Kumar Singh (Supra)****;* it is abundantly clear that the issue with regard to the passing of any departmental examination for getting the benefit of MACP/ACP has been dealt in detail wherein it has been held that the object of ACP is to avoid stagnation where no promotional avenues are available. The grant of ACP is not a substitute of promotion but increase in the pay scale to the next higher grade retaining the employee on the post held by him. It is basically to relieve the frustration on account of stagnation and it does not involve actual grant of promotional post but merely monetary benefits in the form of next higher grade. Both ACP and MACP Schemes are schemes formulated with an object of ensuring that the employees who are unable to avail of adequate promotional opportunities, get some relief in the form of financial benefits *(Refer Para-12 to 20 of the aforesaid judgment).*

6. As a matter of fact, this Court in several other judgments has passed similar orders in the line of aforesaid ratio.

7. It goes without saying that now there is no two opinion that in crux, both MACP/ACP schemes are schemes meant with the object of ensuring that the employees who are unable to avail adequate promotional opportunities, get some relief in the form of financial upgradation, and passing of any departmental examination is not condition precedent.

8. Accordingly, the Respondents are directed to verify the records of the case, and extend the benefits of MACP/ACP, if the petitioner is

otherwise entitled, save and except the ground of passing of departmental examination.

9. The formal order shall be issued w.r.t. monetary benefits within a period of 8 weeks from the date of receipt of copy of this order and the consequential benefits shall be extended to the petitioner within further period of 4 weeks.

10. As a result, the instant application stands allowed. Pending I.A., if any, also stands closed.

(Deepak Roshan, J.)

16.09.2026

Abha/-