IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 4885 of 2025

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Subodh Paswan, Son of Late Sri Kishun Paswan, aged about 58 yrs, Resident of 3C/A, Ramdev Vihar Apartment Opposite Gate No. -04, Ashok Nagar, Near Bank of India, P.O. – Doranda, P.S. - Argora, District - Ranchi.

..... Petitioner (s)

Versus

1. The State of Jharkhand, through the Chief Secretary, having its office at Ist Floor, Project Building, Dhurwa, P.O. & P.S. Dhurwa and District - Ranchi.
2. The Development Commissioner, Government of Jharkhand, officiating from Nepal House, P.O & P.S. Doranda, Ranchi 834002.
3. The Principal Secretary, Department of Personnel, Administrative Reforms & Raj Bhasha, Government of Jharkhand officiating at Project Building P.O and P.S. Dhurwa, Ranchi.
4. The Principal Secretary, Road Construction Department, Government of Jharkhand officiating at Project Building P.O and P.S. Dhurwa, Ranchi. **..... Respondent(s)**

.....

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

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For the Petitioner(s) : Mr. Ajit Kumar Sr. Advocate
Ms. Aprajita Bhardwaj, Advocate
Ms. Tanya Singh, Advocate

For the Respondent : Mr. Mithilesh Singh, G.A.-IV

C.A.V. ON: 28/08/2026 **PRONOUNCED ON: 07/09/2026**

1. Heard learned counsel for the parties.

2. The instant writ application was preferred by the petitioner praying therein for the following reliefs: -

A. *For issuance of a Writ of Certiorari for quashing the Resolution No. 1977 dated 12.03.2024 (Annexure - 5) issued by the Respondent State, in so far as it mandates application of the 50-point roster afresh from Point No. 12 for the remaining vacancies out of 14 posts of Chief Engineers, as being arbitrary, unconstitutional, and violative of Articles 14 and 16 of the Constitution of India and the said action is in the teeth of the principles enunciated by the Hon'ble Supreme Court of India governing the application of reservation in promotional posts.*
B. *For directing the respondents to consider the promotion of the petitioner to the post of Chief Engineer strictly in accordance with the running account system and the previous reservation norms calculated on the basis of the total sanctioned cadre strength of 14 posts and further declare that the reservation for*

Scheduled Tribe category in the cadre of Chief Engineers cannot exceed 4 out of 14 posts, and that any further reservation beyond the same shall amount to over-representation and is impermissible in law.

C. *In the interim, directing the respondents to stay the effect, operation, and implementation of Resolution No. 1977 dated 12.03.2024 and further restrain the respondents from making any further promotions to the post of Chief Engineer in the State of Jharkhand under the said resolution till the disposal of the present Writ Petition.*

3. The case of the petitioner is that he currently holds the post of Superintending Engineer in the Rural Works Department, Government of Jharkhand. The petitioner, having been initially appointed as an Assistant Engineer in the year 1995 under the Schedule Caste category by way of direct recruitment in the Road Construction Department, was promoted to the post of Executive Engineer vide notification bearing memo no. 3763 (S) dated 21.10.2022, after rendering 27 years of service in the capacity of Assistant Engineer. Thereafter, the petitioner was promoted to the post of Superintending Engineer vide notification no. 173(S) dated 11.01.2024, and since then, has been serving in the said capacity in the Rural Works Department, Government of Jharkhand, Ranchi.

4. It is the case of the petitioner that he now holds the eligibility for the consideration of promotion to the post of Chief Engineer in the State of Jharkhand.

Submissions on behalf of the Petitioner.

5. Mr. Ajit Kumar, Ld. Sr. Counsel appearing for the petitioner submits that the Department of Personnel, Administrative Reforms & Rajbhasa, Govt. of Jharkhand, vide resolution no. 1072 dated 17.02.2009 has elucidated the model roster for the reservation in direct recruitment, promotion and admission in educational institution for the State Level posts in State of Jharkhand, wherein, the State

Govt. has defined the roster point for the promotions in the State Posts which, has been attached as an Appendix-III. Ld. Sr. Counsel further submitted that perusal of the said resolution transpires that the respondent State has defined 5 (five) point and 50 (fifty) point rosters *(Appendix- IV and Appendix-III respectively of the resolution dated 17.02.2009)* for the promotion to the State posts.

6. It has further been submitted that in the instant case, the total number of posts for the Chief Engineers in State of Jharkhand is fourteen (14) and at present, there are 3 (three) Chief Engineers namely (i) Sanjay Kujur (ii) Sushil Kumar Hansda (iii) Pankaj Kumar holding the post under the Schedule Tribe Category who had been promoted vide notification dated 19.12.2023.

Ld. Senior Counsel further submitted that the respondent State has subsequently issued Resolution No. 1977 dated 12.03.2024, whereby it has annulled the 5-point roster system as provided in Appendix- IV of the earlier Resolution No. 1072 dated 17.02.2009. The said resolution further clarifies that in cases where the number of sanctioned posts is less than 50, the 50-point roster shall continue to be applied in sequence, without resetting, until the roster reaches Point No. 50.

7. Mr. Kumar contended that on a careful reading of the aforesaid Resolution No.1977 dated 12.03.2024, it becomes manifest that the same is violative of the constitutional principles governing reservation in public employment, herein, the context of promotional posts. The impugned resolution fails to account for the existing representation already achieved by certain reserved categories within the cadre and proceeds to apply the 50-point roster afresh from Point No. 12, thereby resulting in excessive and

disproportionate reservation in favour of the Scheduled Tribe category.

He further argued that such an approach is contrary to the settled constitutional principle that reservation must ensure adequate and not excessive representation, and must always be subject to the overall ceiling limit laid down in various decisions of the Hon'ble Apex Court.

8. Ld. Sr. Counsel tried to convince this Court by submitting that out of fourteen (14) posts of Chief Engineers in the State of Jharkhand; there are already three (3) Chief Engineers holding the said posts under the category of Scheduled Tribe. Following the resolution dated 12.03.2024 of the respondent State, the existing eleven (11) vacancies would again be filled from 12 to 22 roster point wherein, from 12 to 22 roster point again there are 3 posts reserved for the category of Schedule Tribe; meaning thereby that there shall be three (3) more candidates from the Schedule Tribe making it six (6) candidates from the Schedule Tribe category which vitiates the entire intent and purport of providing adequate representation of different Schedule Caste and Schedule Tribe and the said resolution is also in teeth of the Judgements rendered by the Hon'ble Apex Court.

9. He contended that the action of respondent State in starting the roster point from twelve (12) is arbitrary, whimsical and illegal which violates Article-14 of the Constitution of India. The act of restarting the roster ignores the legitimate expectation of the petitioner and such actions also go to the very root of the contentious issue of rightful representation of the Schedule Caste and Schedule Tribe. Filling of the vacancies without accounting for the roster status of three (3) posts of Chief Engineers which is already held by the candidates of the Schedule Tribe category would

result in over-representation of one category and under-representation of the other categories.

10. Ld. Senior Counsel elaborated his contention by submitting that four (4) posts reserved for the Schedule Tribe out of fourteen (14) posts of Chief Engineers is 28.56% reservation of the Schedule Tribe for the posts of Chief Engineers. *Per contra*, the resolution dated 12.03.2024, if, made effective the reservation of the Schedule Tribe would rise to 42.85%, which certainly cannot be permitted against the 26% fixed reservation for the category of the Schedule Tribe. He further submitted that the reservation in a cadre should be calculated on the basis of total number of posts in the cadre and not the vacancies, meaning thereby, if the reservation for 14 posts (Cadre Strength of Chief Engineers) is 4 posts for Schedule Tribe, 1 post for Schedule Caste, these 14 posts shall always follow that 4 posts belongs to Schedule Tribe, 1 post belong to Schedule Caste and not more.

11. Ld. Sr. Counsel lastly submitted that the doctrine of legitimate expectation of the petitioner stands violated due to the sudden change in roster application policy by the respondent State as the petitioner, belonging to the Scheduled Caste category, promoted in Executive Engineer, Superintending Engineer under unreserved category due to his seniority, is entitled to be considered for promotion to the post of Chief Engineer in accordance with the reservation roster based on total cadre strength; rather than vacancy position.

Submissions on behalf the Respondent State:

12. *Per Contra*, Mr. Mithilesh Singh, GA-IV appearing for the State of Jharkhand, relying upon the stand taken in the Counter affidavit filed on behalf of Respondent no.3 had submitted that it came to the notice during roster clearance

as per Appendix-IV of resolution no. 1072, dated 17.02.2009, for the small cadre i.e. 2 to 5 posts that after reaching cycle of sixth point, 1 post goes to ST category and 1 post goes to SC category too. Whereas, 26% reservation is admissible to ST category and only 10 percent reservation is admissible to SC category but both get equal number of posts.

13. Ld. State Counsel had further submitted that Appendix-IV to the Resolution no. 1072 dated 17.02.2009 issued by the Department of Personnel, Administrative Reforms & Raj Bhasa, Govt. of Jharkhand provides 'Five points' Model Reservation Roster for small cadre. Through this Model Reservation Roster, the way was paved for ensuring promotion on rotation basis for Govt. Servants to the State Level Posts / Cadre / posts.

Under this process as provided under said 'Appendix-IV', if the process of filling 50 (fifty) promotional post is ensured upto cycle of 50 (fifty) points; then under such circumstances, the rotation will be in the form of [(6 x 8) +2 = 50], meaning thereby, the first six posts will be allocated in such manner that first post goes to unreserved (UR), second Post goes to Scheduled Tribe (ST), third post goes to UR, fourth post goes to UR, fifth post goes to unreserved (UR) and the sixth post goes to Scheduled Caste (SC) as per 1st restoration.

Thus, in order to complete fifty (50) cycle, this process has to be repeated for eight (8) times which will cover forty-eight (48) posts and the last two (2) posts will be filled up by 'UR' and 'ST' candidates as per table provided under aforesaid Appendix-IV. Thus, after completing the cycle of 50 point of roster, as provided under Appendix-IV of the Resolution no. 1072 dated 17.02.2009, out of 50 posts 33 posts will be filled up by Unreserved (UR), 09 posts will be

filed up by Scheduled Tribe (ST) and 08 post will be filled up by Scheduled Caste (SC).

14. Ld. State Counsel further submitted that *"Jharkhand Reservation in Vacancies of Posts and Services (SC/ST and BC) Act, 2001*, provides 26% reservation to the ST category employees and 10% reservation to the SC category employees in promotion. He further submits that 26% of 50 is thirteen (13), whereas 10% of 50 is five (5). Thus, as per *"Jharkhand Reservation in Vacancies of Posts and Services (SC/ST and BC) Act, 2001* out of 50 promotional post, Thirteen (13) is to be filled up by 'ST' employees; whereas Five (5) posts are to be filled up by the 'SC' employees.

Whereas, as per the calculation made in accordance with aforesaid Appendix-IV of the Resolution no. 1072 dated 17.02.2009, out of fifty (50) promotional post nine (9) gets filled up by ST employees and eight (8) posts get filled up by the SC employees, thus by following the said Appendix-IV, there occurs shortfall of four (4) ST employees and excess of three (3) SC employees in the process of promotion. Under such circumstances it was felt that the 'Five-point Model Reservation Roster provided by Appendix-IV of Resolution no. 1072 dated 17.02.2009 for promotion to State Level Service / Cadre / Posts requires reconsideration /review.

15. Mr. Mithilesh Singh further submitted that during course of reconsideration / review of Appendix-IV of Resolution no. 1072 dated 17.02.2009, it was found that in a cadre where there are less than 50 sanctioned posts, then some particular category was not getting the benefit of reservation as per the provided quota. Thus, it was felt to tackle such situation in accordance with law.

16. He had submitted that after due consideration the State Government vide Resolution no. 1977 dated 12.03.2024

decided to annul the Five point Model Reservation Roster for promotion to State Level Service / Cadre / Posts provided by Appendix-IV of Resolution no. 1072 dated 17.02.2009 and to replace the same by the Model Roster (1 to 50 points) on rotation for every 50 posts where the State Level Service /Cadre / Posts is less than Fifty (50) as provided under Appendix-III of Resolution no. 1072 dated 17.02.2009.

17. He contended that the said Resolution no. 1977 dated 12.03.2024 further clarifies that if in any service there are ten (10) sanctioned posts then for promotion to State Level Service / Cadre /Posts, in the first phase the promotion will be given as per point no. 1 to 10 earmarked in the point no. 1 to 50 of the Model Reservation Roster. Further, for the vacancy arising in future the promotion will be given as per point no. 11 to 20 and this process will continue upto 50 points serially. Thereafter, the roster clearance will start again from serial no.1 as per the process stated hereinabove.

18. Ld. State Counsel further submitted that as on date there are fourteen (14) sanctioned post of Chief Engineer in the Road Construction Department and eleven (11) posts out of fourteen (14) sanctioned post are lying vacant. Till date the cycle as provided under Appendix-III of Resolution no. 1072 dated 17.02.2009 read with Resolution no. 1977 dated 12.03.2024 has already been run upto ten (10) points. Thus, for filling up the said eleven (11) vacant posts the cycle is required to be run from 11 point to 21 point and accordingly post will be filled as per rotation.

19. Ld. State Counsel further clarified that the new policy formed vide Resolution No.-1977, dated 12.03.2024, ensures that no category is unduly deprived or benefited and that the prescribed percentages of 26% for ST and 10% for SC are meticulously maintained over the roster cycle. The

challenge to this just and equitable policy is therefore untenable and liable to be rejected.

20. Mr. Singh lastly contended that it is well open and within the competency of the State Govt. to change the rules relating to a service and alter or amend and vary by addition/substruction the conditions of service including avenues of promotion, from time to time, as the administrative exigencies may need or necessitate. There is no right in any employee of the State to claim that rules governing conditions of his service should be forever the same as the one when he entered service for all purposes, and the State Government is empowered and has the authority to amend, alter and bring into force new rules relating to even an existing service.

Analysis and Findings:

21. Heard Ld. Sr. Counsel for the Petitioner and Ld. Counsel for the State and perused the material placed on record.

22. This Court finds that Department of Personnel, Administrative Reforms & Rajbhasa, Govt. of Jharkhand, vide resolution no. 1072 dated 17.02.2009 framed the model rosters for the reservation in direct recruitment, promotion and admission in educational institution for the State Level posts in State of Jharkhand. Appendix-IV to the Resolution no. 1072 dated 17.02.2009 issued by the Department of Personnel, Administrative Reforms & Raj Bhasa, Govt. of Jharkhand provides Five (5) points Model Reservation Roster for small cadre. Whereas, the Appendix-III of said Resolution provides the Model Roster (1 to 50 points) on rotation for every 50 posts where the State Level Service /Cadre / Posts is less than Fifty (50).

23. This Court further finds that *"Jharkhand Reservation of Vacancies in Posts and Services (SC/ST and BC) Act, 2001"*, provides 26% reservation to the ST category employees and 10% reservation to the SC category employees in promotion.

24. The records further reveal that the State Government vide impugned Resolution no. 1977 dated 12.03.2024 decided to annul the Five point Model Reservation Roster for promotion to State Level Service / Cadre / Posts provided by Appendix-IV of Resolution no. 1072 dated 17.02.2009 and to replace the same by the Model Roster (1 to 50 points) on rotation for every 50 posts where the State Level Service /Cadre / Posts is less than Fifty (50) as provided under Appendix-III of the resolution no. 1072 dated 17.02.2009.

25. Bare perusal of the impugned Resolution no. 1977 dated 12.03.2024 demonstrates that the State Govt. decided to replace Appendix-IV by Appendix-III of Resolution no. 1072 dated 17.02.2009 in view of the fact that upon rotation made in accordance with Appendix-IV of the Resolution no. 1072 dated 17.02.2009, out of fifty (50) promotional post nine (9) gets filled up by ST employees and eight (8) posts get filled up by the SC employees, thus by following the said Appendix-IV, there used to occur shortfall of four (4) ST employees and excess of three (3) SC employees in the process of promotion.

26. Since as per reservation policy of the State of Jharkhand, 26 % post is reserved for Scheduled Tribe (ST) candidates and 10% post is reserved for Scheduled Caste (SC) candidates, thus 26% of 50 posts comes to 13 posts, whereas 10% of 50 post comes to 5 posts. Thus, this Court finds substance in the reasoning provided in the impugned resolution no. 1977 dated 12.03.2024 with respect to shortfall of four (4) ST employees and excess of three (3) SC employees.

27. It further transpires that the impugned resolution no. 1977 dated 12.03.2024 further clarifies that if in any service there are ten (10) sanctioned posts, then for promotion to State Level Service / Cadre /Posts, in the first phase the promotion will be given as per point no. 1 to 10 earmarked in the point no. 1 to 50 of the Model Reservation Roster; and for the vacancy arising in future, the promotion will be given as per point no. 11 to 20 and this process will continue upto 50 points serially, and thereafter the roster clearance will start again from serial no.1.

28. Admittedly, there are fourteen (14) sanctioned post of Chief Engineer in the Road Construction Department, but eleven (11) posts out of fourteen (14) sanctioned post are lying vacant. It appears that as per para-14 of the Counter affidavit filed on behalf of Respondent no.3, till date the cycle as provided under Appendix-III of Resolution no. 1072 dated 17.02.2009 read with Resolution no. 1977 dated 12.03.2024 has already been run upto ten (10) points. Thus, for filling up the said eleven (11) vacant post the cycle is required to be run from 11 point to 21 point and accordingly post will be filled as per rotation.

29. The issue of reservation roster fell for consideration before the Hon'ble Supreme Court in the case of ***R. K. Sabharwal & Ors. Vs. State of Punjab & Ors.*** reported in ***(1995) 2 SCC 745*** and with regard to the issue involved in the present case it is profitable to refer para-4, 5 & 6 of the said Judgment, which, are as under.

> "4. *When a percentage of reservation is fixed in respect of a particular cadre and the roster indicates the reserve points, it has to be taken that the posts shown at the reserve points are to be filled from amongst the members of reserve categories and the candidates belonging to the general category are not entitled to be considered for the reserve posts. On the other hand the reserve category candidates can compete for the non-reserve posts and in the event of their appointment to the said posts their number cannot be added and taken into consideration for working out the percentage of reservation. Article 16(4) of the Constitution of India*

permits the State Government to make any provision for the reservation of appointments or posts in favour of any backward class of citizen which, in the opinion of the State is not adequately represented in the Services under the State. It is, therefore, incumbent on the State Government to reach a conclusion that the backward class/classes for which the reservation is made is not adequately represented in the State Services. While doing so the State Government may take the total population of a particular backward class and its representation in the State Services. When the State Government after doing the necessary exercise makes the reservation and provides the extent of percentage of posts to be reserved for the said backward class then the per-centage has to be followed strictly. The prescribed percentage cannot be varied or changed simply because some of the members of the backward class have already been appointed/promoted against the general seats. As mentioned above the roster point which is reserved for a backward class has to be filled by way of appointment/promotion of the member of the said class. No general category candidate can be appointed against a slot in the roster which is reserved for the backward class. The fact that considerable number of members of a backward class have been ap- pointed/promoted against general seats in the State Services may be a relevant factor for the State Government to review the question of continuing reservation for the said class but so long as the instructions/ Rules providing certain percentage of reservations for the backward classes are op-erative the same have to be followed. Despite any number of appointment / promotees belonging to the backward classes against the general category posts the given percentage has to be provided in addition. We, therefore, see no force in the first contention raised by the learned counsel and reject the same.

5. *We see considered force in the second contention raised by the learned counsel for the petitioners. The reservations provided under the impugned Government instructions are to be operated in accordance with the roster to be maintained in each Department. The roster is implemented in the form of running account from year to year. The purpose of "running account" is to make sure that the Scheduled Castes/Schedule Tribes and Backward Classes get their percentage of reserved posts. The concept of "running account" in the impugned instructions has to be so interpreted that it does not result in excessive reservation. "16% of the posts.....are reserved for members of the Scheduled Caste and Backward Classes. In a lot of100 posts those falling at serial numbers 1,7, 15, 22, 30, 37, 44, 51, 58, 65, 72, 80, 87 and 91 have been reserved and earmarked in the roster for-the Scheduled Castes. Roster points 26 and 76 are reserved for the members of Backward Classes. It is thus obvious that when recruitment to a cadre starts then 14 posts earmarked in the roster are to be filled from amongst the members of the Scheduled Caste. To illustrate, first post in a cadre must go to the Scheduled Caste and thereafter the said class is entitled to 7th, 15th, 22nd and onwards upto 91st post. When the total number of posts in a cadre are filled by the operation of the roster then the result envisaged by the impugned instructions is achieved. In other words, in a cadre of 100 posts when the posts earmarked in the roster for the Scheduled Castes and the Backward Classes are filled the percentage of reservation provided for the reserved categories is achieved. We see no justification to operate the roster thereafter. The "running account" is to operate only till the quota provided under the impugned instructions is reached and not thereafter. Once the prescribed per- centage of posts is filled the numerical test of adequacy is satisfied and thereafter the roster does not survive. The percentage of reservation is the desired representation of the Backward Classes in the State services and is consistent with the demographic estimate based on the proportion worked out in relation to their populations The numerical quota of posts is not shifting boundary but represents a*

> *figure with due application of mind. Therefore, the only way to assure equality of opportunity to the Backward Classes and the general category is to permit the roster to operate till the time the respective appointees/ promotees occupy the posts meant for them in the roster. The operation of the roster and the running account" must come to an end thereafter. The vacancies arising in the cadre, after the initial posts are filled, will pose no difficulty. As and when there is a vacancy whether permanent or temporary in a particular post the same has to be filled from amongst the category to which the post belonged in the roster. For example the Scheduled Caste persons holding the posts at Roster - points 1, 7, 15 retire then these slots are to be filled from amongst the persons belonging to the Scheduled Castes. Similarly, if the persons holding the post at points 8 to 14 or 23 to 29 retire then these slots are to be filled from among the general category by following this procedure them shall neither be short-fall nor excess in the percentage of reservation.*
>
> *6. The expressions "posts" and "vacancies", often used in the executive instructions providing for reservations, are rather problematical. The word "post" means an appointment, job, office or employment. A position to which a person is appointed. "Vacancy" means an unoccupied post or office. The plain meaning of the two expressions make it clear that there must be a 'post' in existence to enable the 'vacancy' to occur. The cadre - strength is always measured by the number of posts comprising the cadre. Right to be considered for appointment can only be claimed in respect of a post in a cadre. As a consequence the percentage of reservation has to be worked out in relation to the number of posts which form the cadre-strength. The concept of 'vacancy' has no relevance in operating the percentage of reservation.*

30. After going through the impugned resolution no. 1977 dated 12.03.2024 and the law laid down by the Hon'ble Apex Court, this Court is of the considered opinion that the resolution no. 1977 dated 12.03.2024 is in conformity with the law laid down by the Hon'ble Apex Court in the above referred judgment.

31. There is yet another aspect of the matter with respect to Judicial review of the policy decisions of the executive; reference in this regard may be made to the Judgment of the Hon'ble Supreme Court of India, in the case of ***Federation Haj PTOs of India Vs. Union of India*** reported in **(*2020) 18 SCC 527*** wherein it has been held as under:

> *18. ..... It is settled law that policy decisions of the Executive are best left to it and a court cannot be propelled into the unchartered ocean of Government policy (see Bennett Coleman & Co. v. Union of India). Public authorities must have liberty and freedom in framing the ;policies. It is well accepted principle that in complex social, economic and commercial matters, decisions have to be taken by governmental authorities keeping in view several factors and it is not possible for the courts to consider competing claims and to conclude which way the balance tilts. Courts are ill-equipped to substitute their*

> *decisions. It is not within the realm of the courts to go into the issue as to whether there could have been a better policy and on that parameters direct the Executive to formulate, change, vary and/or modify the policy which appears better to the court. Such an exercise is impermissible in policy matters……"*

32. It is also profitable to quote para-72 of the Judgment passed by the Hon'ble Supreme Court in the case of ***Small-Scale Industrial Manufacturers Association (Regd.) Vs. Union of India & Ors*** reported in ***(2021) 8 SCC 511*** which reads as under:

> "72. *Legality of Policy, and not the wisdom or soundness of the policy, is the subject of Judicial review. The scope of Judicial review of the Governmental policy is now well defined. The courts do not and cannot act as an appellate authority examining the correctness, stability and appropriateness of a policy, nor are the Courts advisers to the executive on matters of policy which the executives are entitled to formulate."*

33. Way back, on the issue of judicial review of policy decision, the Hon'ble Supreme Court in the case of ***P. U. Joshi & Ors Vs. Accountant General, Ahmedabad & Ors.*** reported in ***(2003) 2 SCC 632*** has been pleased to hold at para-10 which is as follows:

> 10. *We have carefully considered the submissions made on behalf of both parties. Questions relating to the constitution, pattern, nomenclature of posts, cadres, categories, their creation/abolition, prescription of qualifications and other conditions of service including avenues of promotions and criteria to be fulfilled for such promotions pertain to the field of Policy and within the exclusive discretion and jurisdiction of the State, subject, of course, to the limitations or restrictions envisaged in the Constitution of India and it is not for the Statutory Tribunals, at any rate, to direct the Government to have a particular method of recruitment or eligibility criteria or avenues of promotion or impose itself by substituting its views for that of the State. Similarly, it is well open and within the competency of the State to change the rules relating to a service and alter or amend and vary by addition/substruction the qualifications, eligibility criteria and other conditions of service including avenues of promotion, from time to time, as the administrative exigencies may need or necessitate. Likewise, the State by appropriate rules is entitled to amalgamate departments or bifurcate departments into more and constitute different categories of posts or cadres by undertaking further classification, bifurcation or amalgamation as well as reconstitute and restructure the pattern and cadres/categories of service, as may be required from time to time by abolishing existing cadres/posts and creating new cadres/posts. There is no right in any employee of the State to claim that rules governing conditions of his service should be forever the same as the one when he entered service for all purposes and except for ensuring or safeguarding rights or benefits already earned, acquired or accrued at a particular point of time, a Government servant has no right to challenge the authority of the State to amend, alter and bring into force new rules relating to even an existing service.*

Conclusion:

34. In view of the discussions made hereinabove, this court finds that there is no contradiction between the law settled by the Hon'ble Apex Court in the case of ***R. K. Sabharwal & Ors. Vs. State of Punjab & Ors.*** (supra) and the grounds assigned in the impugned Resolution no. 1977 dated 12.03.2024 for annulling Appendix-IV of the resolution no. 1072 dated 17.02.2009 and replacing the same by the Model Roster (1 to 50 points) on rotation for every 50 posts where the State Level Service /Cadre / Posts is less than Fifty (50) as provided under Appendix-III of the said resolution no. 1072 dated 17.02.2009.

35. This Court is of the view that if Model Roster (1 to 50 points) as provided under Appendix-III of the said resolution no. 1072 dated 17.02.2009 is allowed to operate till the time the respective promotees occupy the posts meant for them as per roster point, then the same will in fact assure equality of opportunity. The operation of the roster and the running account must come to an end thereafter. The vacancies arising in the cadre, after the initial posts are filled, will pose no difficulty. As and when there is a vacancy, the same has to be filled from amongst the category to which the post belongs in the roster.

36. The impugned Resolution no. 1977 dated 12.03.2024 also appears to be in accordance / consonance with *"Jharkhand Reservation of Vacancies in Posts and Services (SC/ST and BC) Act, 2001* in view of the breakup for different categories which would be achieved in case of cadre having strength of 50 (fifty) posts after following Model Roster (1 to 50 points) as provided under Appendix-III of the resolution no. 1072 dated 17.02.2009. The breakup provided in Appendix-III of the resolution no. 1072 dated 17.02.2009,

shows that after completing 50 points five (05) posts will be filled by candidates belonging to Scheduled Caste category and thirteen (13) posts would be filled by the candidate belonging to Scheduled Tribe category, thereby achieving 26% reservation for Scheduled Tribe and 10% reservation for Scheduled Caste as provided under *"Jharkhand Reservation of Vacancies in Posts and Services (SC/ST and BC) Act, 2001"*.

37. Having regard to the above discussions and the law laid down by the Hon'ble Supreme Court of India, this Court does not find any illegality or perversity in the impugned resolution No. 1977 dated 12.03.2024 issued by the *Department of Personnel, Administrative Reforms & Rajbhasa, Govt. of Jharkhand.*

38. As a result, the instant writ application stands dismissed. Pending I.A.(s), if any, stands closed.

(Deepak Roshan, J.)

Dated:07/09/2026
Amardeep/
A.F.R/

Uploaded on
8.9.2026