IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (S) No. 3750 of 2022

.....

1. Rajeev Kumar, aged about 41 years, Son of Ramji Prasad, Resident of Village Nonihat, P.O. Nonihat, P.S. Hansdiha & District Dumka.
2. Mukesh Kumar, aged about 43 years, Son of Shreekant Choudhary, Resident of Quarter No. 10/1/7, Road no. 20, Adityapur & District Seraikella Kharsawan.
3. Akshay Vikram, aged about 41 years, Son of Yugal Kishor Mahto, Resident of Dulmi, P.O. Harahad Kander, P.S. Rajrappa & District Ramgarh.
4. Varun Kumar, aged about 42 years, Son of Late Ramdeo Singh, Resident of Varun Kumar Duplex, B1 Malti Luxuria City, P.O. Sector 6, P.S. Chas Mufassil & District Bokaro.
5. Samir Das, aged about 39 years, Son of Haradhan Das, Resident of Village Panderpala, P.O. B Polytechnic, P.S. Bank More (O.P Bhuli) & District Dhanbad.
6. Nityanand Sah, aged about 37 years, Son of Moti Lal Sah, Resident of Kusma, P.O. Kusma, P.S. Barhait & District Sahibganj.
7. Ashish Kumar, aged about 36 years, Son of Late Gobardhan Prasad Sah, Resident of Village Dudhani (Near Town Chowk) P.O., P.S. Dumka & District Dumka.
8. Kumar Gaurav, aged about 36 years, Son of Birendra Prasad, Resident of Ratari, P.O Dugda, P.S. Dudga & District Bokaro.
9. Md. Wasim, aged about 38 years, Son of Late Md. Misbahuddin Ansari, Resident of Upper Rajbhari Road, P.O., P.S. Jharia & District Dhanbad.
10. Md. Aftab Alam, aged about 38 years, Son of Md. Amanat Hussain, Resident of Jharia, P.O., P.S. Jharia & District Dhanbad.
11. Santosh Kumar Mahato, aged about 38 years, Son of Late Dukhan Mahato, Resident of Pargho, P.O.Tilaiya, P.S. Barwadda & District Dhanbad.
12. Ujjwal Kumar Verma, aged about 38 years, Son of Chetanya Kumar Verma, Resident of Village Pokhariya, P.O. Jamua, P.S. Khaga & District Deoghar.
13.Rajkumar Singh, aged about 32 years, Son of Late Baldeo Singh, Resident of Village Bhendra, P.O. Gomoh, P.S. Nawadih & District Dhanbad.
14. Janardan Pandit, aged about 39 years, Son of Ramchandra Pandit, Resident of Village Rakhabani P.O., P.S. Dumka & District Dumka.
15. Purushottam Kumar, aged about 33 years, Son of Om Prakash Prasad, Resident of Bari Bandh Road, Near St. Mary

High School, P.O., P.S. Dumka & District Dumka.

..... Petitioners

Versus

1. The State of Jharkhand through the Chief Secretary, having its office at 1st Floor, Project Building, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi.
2. The Principal Secretary, Road Construction Department, Government of India, having its office at 4th floor Project Building, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi.
3. The Under Secretary, Road Construction Department, Government of India, having its office at 4th floor Project Building, Dhurwa, Ranchi, P.O. & P.S. Dhurwa, District Ranchi.
4. The Engineer-in-Chief, Road Construction Department, Jharkhand, having its office at Ranchi College Road, Ranchi University, P.O. Ranchi University, P.S. Morabadi& District Ranchi.
5. The All-India Higher Technical Education, through its Chairman having its office at Nelson Mandela Marg, Vasant Kunj, P.O., P.S. & District New Delhi.
6. The Member Secretary, All India Higher Technical Education, through its Chairman having its office at Nelson Mandela Marg, Vasant Kunj, P.O., P.S. & District New Delhi.

..... Respondents

7. Raj Kumar Prasad, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, having its office at the Office of Executive Engineer, Road Construction Department, Latehar, P.O., P.S. & District Latehar.
8. Mohammed Ahtesham Ahmed, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Gumla, having its office at Office of the Executive Engineer, Building Construction Department, Building Division, Gumla, P.O., P.S. & District Gumla.
9. Mukul Ranjan, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Dhanbad, having its office at Office of the Executive Engineer, Building Construction Department, Building Division, Dhanbad, P.O., P.S. & District Dhanbad.
10. Satyendra Kumar Choudhary, aged about not known to the petitioner, Son of not known to the petitioner, having its residence at Ram Nagar, Gali No. 04, P.O., P.S. & District Hazaribagh.
11. Niraj Lakra, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Daltonganj, having its office at Office of the

Executive Engineer, Building Construction Department, Building Division, Daltonganj, P.O., P.S. & District Daltonganj.
12. Satish Ranjan Kujur, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Garhwa, having its office at Office of the Executive Engineer, Building Construction Department, Building Division, Garhwa, P.O., P.S. & District Garhwa.
13. Sushree Chandralekha Oran, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Ranchi, having its office at the Executive Engineer, Building Construction Department, Estimator-1, Building Division-1, Morhabadi, Ranchi, P.O., P.S. & District Ranchi.
14. Uttam Kumar Upadhyay, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Dumka, having its office at Office of the Executive Engineer, Field Survey Division, Advance Planning, Dumka, P.O., P.S. & District Dumka.
15. Alok Kumar, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Gumla, having its office at National Highway Authority of India (NHAI), PIU, Gumla, P.O., P.S. & District Gumla.
16. Nitesh Prasad, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Latehar, having its office at Office of the Executive Engineer, Road Construction Department, Road Division, Latehar, P.O., P.S. & District Latehar.
17. Anurag Anand, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Saraikela Kharsawan, having its office at Office of the Executive Engineer, Road Construction Department, Road Division, Saraikela Kharsawan, P.O., P.S. & District Saraikela Kharsawan.
18. Bhaskar, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Lohardaga, having its office at Office of the Block Development Officer (B.D.O), Lohardaga, P.O., P.S. & District Lohardaga.
19 Jitendra Kumar Mishra, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Dumka, having its office at Office of the Executive Engineer, Road Construction Department, Road Division, Dumka, P.O., P.S. & District Dumka.

20. Praveen Kumar, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Ranchi, having its office at Office of the Executive Engineer, Road Construction Department, Road Division, Ranchi, P.O., P.S. & District Ranchi.
21. Gyan Prakash, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, West Singhbhum, having its office at Office of the Executive Engineer, Road Construction Department, Road Division, Manoharpur, West Singhbhum, P.O., P.S. & District West Singhbhum.
22. Manish Kumar, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Dumka, having its office at Office of the Executive Engineer, R.E.O, Works Division, Dumka, P.O., P.S. & District Dumka.
23. Md. Rejaul Rahman, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Deoghar, having its office at Office of the Block Development Officer (B.D.O), Palojori, Deoghar, P.O., P.S. & District Deoghar.
24. Sunil Kumar, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Hazaribagh, having its office at Office of the Executive Engineer, R.E.O, Works Division, Hazaribagh, P.O., P.S. & District Hazaribagh.
25. Amlendu Pandey, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Jamtara, having its office at Office of the Executive Engineer, Road Construction Department, Road Division, Jamtara, P.O., P.S. & District Jamtara.
26. Rajeev Kumar, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Deoghar, having its office at Office of the Executive Engineer, Road Construction Department, Road Division, Deoghar, P.O., P.S. & District Deoghar.
27. Sunny Kumar, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Chatra, having its office at Office of the Executive Engineer, Road Construction Department, Road Division, Chatra, P.O., P.S. & District Chatra.
28. Uday Shankar Singh Choudhary, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Giridih, having its office at Office of the Executive Engineer, Building

Construction Department, Giridih, P.O., P.S. & District Giridih.
29. Gautam Kumar, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Dhanbad, having its office at the office of Deputy Commissioner (D.C), N.R.E.P, Dhanbad, P.O., P.S. & District Dhanbad.
30. Shashikant Roy, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, having its office at Road Construction Department, Road Division, Ramgarh, P.O., P.S. & District Ramgarh.
31. Rajkumar Mahato, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Ranchi, having its office at the Office of the Executive Engineer, R.E.O, Works Division, Ranchi, P.O., P.S. & District Ranchi.
32. Neeraj Kumar Mahato, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Ranchi, having its office at the Office of the Executive Engineer, Jharkhand State Building Construction Corporation Limited, P.I.U, Ranchi, 4th Floor, JSBCCL Building Project Bhawan Campus, P.O., P.S. Dhurwa & District Ranchi.
33. Pankaj Kumar, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Dhanbad, having its office at the Office of the Executive Engineer, Road Construction Department, Road Division, Dhanbad, P.O., P.S. & District Dhanbad.
34. Amit Kumar, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Sahebganj, having its office at the Office of the Executive Engineer, R.E.O, Works Division, Sahebganj, P.O., P.S. & District Sahebganj.
35. Kumar Shashi Shekhar, aged about not known to the petitioner, Son of not known to the petitioner, having its office at Cabinet Secretariat and Vigilance Department, Ground Floor, Project Bhawan, P.O., P.S. Dhurwa & District Ranchi.
36. Dhananjay Kumar Giri, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Jamtara, having its office at the Office of the Executive Engineer, Road Construction Department, Road Division, Jamtara, P.O., P.S. & District Jamtara.
37. Rupesh Kumar Dikshit, aged about not known to the petitioner, Son of not known to the petitioner, currently

posted as Junior Engineer, Ranchi, having its office at the State Highway Authority of Jharkhand (SHAJ), Booty Road, Morahbadi, Ranchi, P.O., P.S. & District Ranchi.
38. Mukesh Kumar Sinha, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, West Singhbhum, having its office at Office of the Executive Engineer, Road Construction Department, Road Division, Manoharpur, West Singhbhum, P.O., P.S. & District West Singhbhum.
39. Mukund Kumar Ranjan, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Latehar, having its office at Office of the Executive Engineer, Road Construction Department, Road Division, Latehar, P.O., P.S. & District Latehar.
40. Nihar Ranjan, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Dumka, having its office at Office of the Executive Engineer, R.E.O, Works Division, Dumka, P.O., P.S. & District Dumka
41. Amar Kumar, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Chatra, having its office at Office of the Executive Engineer, Building Construction Department, Building Division, Chatra, P.O., P.S. & District Chatra.
42. Sanjeev Kumar Seith, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Ranchi, having its office at Office of the Executive Engineer, Special Works Division, Building Construction Department, Morahbadi Ranchi, P.O., P.S. & District Ranchi.
43. Sajjan Kumari, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Bokaro, having its office at Office of the Executive Engineer, Road Construction Department, Road Division, Bokaro, P.O., P.S. & District Bokaro.

.... Private Respondents

(Impleaded vide order dated 25.04.2023 passed in I.A. No. 3765 of 2023)

44. Pankaj Kumar, S/o Kamdeo Prasad Mandal, Aged about 35 years, by Occupation Assistant Engineer Posted at Road Construction Department, Road Division Dhanbad, Resident of S/o Kamdeo Prasad Mandal, House No. 150 Ward no. 10, Gandhi Chowk, Rohini, P.O+P.S Jasidih, Deoghar, Jharkhand.
45. Amar Kumar, S/o Ramdeni Prasad, Aged about 36, by Occupation Assistant Engineer Posted at PIU Dhanbad

JSBCCL, Resident of S/o Ramdeni Prasad, Village Sundana, P.O & P.S. Daltonganj, District Palamu, Jharkhand.
46. Bikas Kumar Tiwari, S/o Late Shreenath Tiwary, Aged about 33 years, by Occupation Junior Engineer Posted at Minor Irrigation Division, Gumla, Resident PPS. of S/o Late Shreenath Tiwary, Mawtinagar Balbatra Road, Ara, Bhojpur, Bihar. **... Interveners/Private Respondents**

(Impleaded vide order dated 25.04.2023 passed in I.A. No. 3616 of 2023) ..... Respondents

with

W.P. (S) No. 4903 of 2022

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1. Kanti Kumar, aged about 37 years, Son of Narayan Ram, Resident of Village Bandi, P.O. Birni, P.S. Chandrapura & District Bokaro.
2. Girendra Kumar Sharma, aged about 40 years, Son of Balram Sharma, Resident of Village Manjhiaon, P.O., P.S. Manjhiaon & District Garwha.
3. Biswash Kumar Singh, aged about 33 years, Son of Umit Prasad Singh, Resident of Village Narsanda, P.O. Narsanda, P.S. Chandi, District Nalanda (Bihar) & PIN - 803110.

... Petitioners

Versus

1. The State of Jharkhand, through the Chief Secretary, having its office at 1st Floor, Project Building, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi.
2. The Principal Secretary, Road Construction Department, Government of Jharkhand, having its office at 4th floor Project Building, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi.
3. The Under Secretary, Road Construction Department, Government of Jharkhand, having its office at 4th floor Project Building, Dhurwa, Ranchi, P.O. & P.S. Dhurwa, District Ranchi.
4. The Engineer-in-Chief, Road Construction Department, Jharkhand, having its office at Ranchi College Road, Ranchi University, P.O. Ranchi University, P.S. Morabadi & District Ranchi.
5. The All India Council for Technical Education, through its Chairman having its office at Nelson Mandela Marg, Vasant Kunj, P.O., P.S. & District New Delhi.
6. The Member Secretary, All India Council for Technical Education, through its Chairman, having its office at Nelson Mandela Marg, Vasant Kunj, P.O., P.S. & District New Delhi.

..... Respondents

7. Raj Kumar Prasad, aged about not known to the petitioner, Son of not known to the petitioner, currently

posted as Junior Engineer, having its office at the Office of Executive Engineer, Road Construction Department, Latehar, P.O., P.S. & District Latehar.

8. Mukund Kumar Ranjan, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as Junior Engineer, Latehar, having its office at Office of the Executive Engineer, Road Construction Department, Road Division, Latehar, P.O., P.S. & District Latehar.

... Private Respondents

(Impleaded vide order dated 25.04.2023 passed in I.A. No. 3766 of 2023)

9. Pankaj Kumar, S/o Kamdeo Prasad Mandal, aged about 35 years, by Occupation Assistant Engineer Posted at Road Construction Department, Road Division Dhanbad, Resident of S/o Kamdeo Prasad Mandal, House No. 150, Ward no. 10, Gandhi Chowk, Rohini, P.O.+P.S Jasidih, Deoghar, Jharkhand.

10. Amar Kumar, S/o Ramdeni Prasad, Aged about 36, by Occupation Assistant Engineer Posted at PIU Dhanbad J.SBCCL, Resident of S/o Ramdeni Prasad, Village Sundana, P.O. & P.S. Daltonganj, District Palamau, Jharkhand.

11. Bikas Kumar Tiwar, S/o Late Shreenath Tiwary, Aged about 33 years, by Occupation Junior Engineer Posted at Minor Irrigation Division, Gumla, Resident PPS. S/o Late Shreenath Tiwary, Mawtinagar Balutra Road, Ara, Bhojpur, Bihar.

... Interveners/Private Respondents

(Impleaded vide order dated 25.04.2023 passed in I.A. No. 3615 of 2023)

12. Praveen Kumar, aged about 40 years, S/O Bhim Prasad, R/O Village- Dindayalpur, P.O- Dindayalpur, P.S- GB Nagar Tarwara, District- Siwan, Bihar.

13. Prabhat Ranjan, aged about 36 years, S/O Dhananjay Mahto, R/O Village- Rampur, P.O- Malini, P.S And District- Godda.

14. Dharmendra Kumar Mahto, aged about 35 years, S/O Suraj Nath Mahto, R/O ChokadMaganpur, Gola, P.O, P.S And District- Ramgarh.

15. Ranjeet Kumar Sah, S/O Bishwanath Sah, R/O Dhamni Bazar, Sub-District- Barhait, P.O- Dhamni Bazar, P.S- Sundarpahadi, District- Godda.

16. Nilkanth Kumar, S/O Surajnath Mahto, R/O Chokad, P.O- Maganpur, P.S- Gola, District- Ramgarh.

17. Pradeep Sah, S/O Garavu Sah, R/O Kendua, P.O- Barmasiya, P.S- Pathargama, District- Godda.

18. Md. Haris Hafeez, S/O Md. Aslam Ansari, R/O 51, Friends Colony, Mohalla- Pugmil, Okani-02, P.O- Hazaribagh, P.S- Sadar, District- Hazaribagh.
19. Sujit Kumar Giri, S/O Baidyanath Giri, R/O Village- Baralota, P.O- GLA Collage, P.S- Medininagar, District- Palamu.
20. Nawal Kishor, S/O Mahendra Prasad, R/O Jagdawandih, P.O- Karwandiya, P.S- Sasaram, District- Rohtas.
21. Amit Kumar, S/O Kumod Prasad Yadav, R/O House No- 43, Mohara, P.O- Dhouni, P.S- Saraiyahat, District- Dumka.
22. Apurwa Choudhary, D/o Late Vijay Kumar Choudhary, resident of Sultan Lane, Kanta Toli, P.O. G.P.O., P.S. Sadar, District-Ranchi, Jharkhand.

R. No.-12 to 22 impleaded vide order dt. 28/4/26 passed in WP(S) 3750/2022. .... Respondents

With

W.P.(S) No. 6478 of 2024

.....

Sujeet Kumar Singh, aged about 45 years, Son of Baidyanath Singh, Resident of Shiv Niketan, Shivajee Nagar, Suraj Mandal Gali, P.O., P.S. & District - Godda.

...Petitioner

Versus

1. The State of Jharkhand, through the Chief Secretary, having its office at 1st Floor, Project Building, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi.
2.The Principal Secretary, Road Construction Department, Government of Jharkhand, having its office at 4th floor, Project Building, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi.
3.The Under Secretary, Road Construction Department, Government of Jharkhand, having its office at 4th floor, Project Building, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi.
4. The Engineer-in-Chief, Road Construction Department, Jharkhand, having its office at Ranchi College Road, Ranchi University, P.O. Ranchi University, P.S. Morabadi & District Ranchi.
5. The All-India Council for Technical Education, through its chairman having its office at Nelson Mandela Marg, Vasant Kunj, P.O., P.S. & District New Delhi.
6.The Member Secretary, All India Council for Technical Education, through its Chairman, having its office at Nelson Mandela Marg, Vasant Kunj, P.O., P.S. & District New Delhi.
7.Raj Kumar Prasad, aged about not known to the petitioner, Son of not known to the petitioner, currently posted as

Junior Engineer, having its office at the Office of Executive Engineer, Road Construction Department, Latehar, P.O., P.S. & District Latehar. **.... Respondents**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

.....

For the Petitioners : Mr. Rupesh Singh, Adv
Ms. Amrita Sinha, Adv
Mrs. Shweta Suman, Adv
Mr. Pragunee Kashyap, Adv
[W.P.(S) Nos. 3750 of 22&4903/22]
Mr. Chanchal Jain, Adv

For the Resp-State : Mr. Rohitashya Roy, Advocate General

For the Respondents: Mr. Indrajit Sinha, Advocate
Mr. Arpan Mishra, Advocate

For the Res. Nos. 15, 21,24 to 30, 31, 34 to 38 : M/s Atanu Banerjee, Suman Kr. Ghosh, Advocates
[W.P.(S) No. 3750 of 2022]

For the Res. Nos. 8 to 14, 16 to 19, 22, 23, 26, 32, 39, 40 & 43.: M/s. Saurabh Shekhar, Anurag Kumar, Advocates
[W.P.(S) No. 3750 of 2022]

For the Resp. nos. 12 to 22: M/s. Saurabh Shekhar, Anurag Kumar, Advocates
[W.P.(S) No. 4903 of 2022]

For the Resp Nos. 9, 10, 11: M/s. H.K.Mehta, Vidhan Kr. Singh, Advocates
[W.P.(S) No. 3750 of 2022]

For the Resp.-State : Mr. Manish Kumar, Sr. S.C.-II
Mrs. Sunita Kumari, A.C. to Sr. S.C.-II
[W.P.(S) No. 3750 of 2022]

For the Resp.-Intervenor : M/s. Vandana Singh, Aliza, Advocates

For the Resp.-AICTE : Mr. Ratnesh Kumar, Advocate

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C.A.V. ON: 02/07/2026 **PRONOUNCED ON: 07/09/2026**

1. Heard learned counsel for the parties.

2. All these writ applications raise identical questions of law and facts, as such, the same have been heard together and are decided by this common judgment with consent of the learned counsel appearing for the parties. The lead case is *W.P.(S) No.*

3750 of 2022 and the facts of this case would be sufficient to decide all these three writ petitions filed under Article 226 of the Constitution of India.

Prayer made in the writ petition.

3. The Petitioners, holders of a certificate styled AMICE from the Institution of Civil Engineers (India), Ludhiana, seek a mandamus to be treated as holders of "AMIE or Equivalent Qualification" under Resolution No. 4377(S) dated 01.09.2009 and Resolution No. 933(S) dated 07.03.2022, and, by way of the amended writ petition, further seek quashing of (i) Memo No. 7391(S) dated 20.12.2010, (ii) Memo dated 02.09.2013, (iii) Memo No. 2313(S) dated 03.05.2019, and (iv) Notification dated 22.03.2023 granting promotion to the private Respondents.

B. Case of the Petitioners

4. The petitioners were initially appointed as Diploma Holder Junior Engineers. They were appointed, pursuant to the selection process of the year 2007 and 2013.

5. The private Respondents are Junior Engineers (Civil) of the Road Construction Department, Government of Jharkhand, who hold AMIE or an equivalent qualification duly recognised by the State. Some of the private respondents have already been granted promotion to the post of Assistant Engineer, while some of them are in the zone of consideration for

promotion, against 10% AMIE Degree Quota of Assistant Engineer.

6. It is contention of the petitioners that they have acquired the degree in Civil Engineering /B.Tech. from the Institution of Civil Engineers (India), Ludhiana, Punjab, either while being in service or prior to entering the service.

7. The claim of the petitioners arises from the Government Resolution dated 01.09.2009. The Resolution of 01.09.2009 gives the AMIE Degree Holders a special quota, for which 10% seats have been carved out, in the promotional rank of Assistant Engineer. However, it is pertinent to mention herein that the Resolution does not speak of any other degree except AMIE; rather uses the term “equivalent degrees” of AMIE will be considered, to give the benefit of promotion in 10% quota to the post of Assistant Engineer.

8. The petitioners have further placed reliance upon the judgment dated 09.11.2016 passed by the Patna High Court in C.W.J.C. No. 16304 of 2016 and further the subsequent policy decision taken by the State of Bihar vide Memo No. 2260(S) dated 09.03.2017 regarding equivalence of the Degree. The petitioners have further placed reliance by the UPSC treating the AMICE degree equivalent to AMIE.

9. The primary issue is that the degree that has been acquired by the petitioners-Associate Member of the Institution of Civil

Engineers, Ludhiana (AMICE), is equivalent to that of Associate Member of the Institution of Engineers (AMIE) and hence, they are entitled to get the benefits of promotion in 10% quota of Assistant Engineer, as is available to the Junior Engineers having degree of AMIE. The petitioners' claim is that the degree of AMICE should be considered equivalent to that of the degree of AMIE. The entire edifice of the writ petition rests on an assumed equivalence between AMICE (Ludhiana) and AMIE.

C. Case of the State Government.

10. The State Government has filed their Counter Affidavit and has taken a stand that by way of Departmental Order dated 20.12.2010, Memo dated 02.09.2013 which was reaffirmed by Memo No. 2313(S) dated 03.05.2019, confining recognition to the degrees prescribed under the Jharkhand Engineering Service Recruitment Rules, 2016 and preceding rules. The State Government has taken a consistent stand expressly declining to recognize degree issued by the Institution of Civil Engineers and the Institution of Mechanical Engineers (India) for appointment to the post of Assistant Engineer, relying on AICTEs own policy decision. The AICTE in its 52nd Emergent Council Meeting held on 03.08.2017 has recognized the courses conducted by the professional bodies/ institutions in accordance with Ministry of Human Resource

Development, Department of Higher Education, Government of India Office Memorandum dated 06.12.2012 for equivalence for all purposes including higher education and employment which were duly recognized by the Ministry of Human Resource Development with permanent recognition up to 31.05.2013. Based on the AICTEs decision dated 03.08.2017, the Road Construction Department, Government of Jharkhand has issued an order as contained in Memo No. 2313(S) dated 03.05.2019 to recognize only those candidates who fulfils the eligibility criteria and qualification in terms of Jharkhand Engineering Service Recruitment Rules, 2016.

D. Case of the Private Respondents.

11. The private respondents have submitted that there is no document which establishes the equivalence of the degree of AMICE to AMIE by the competent authority either by the State Government or the Central Government and further has relied upon the affidavit filed by the AICTE in W.P.(S) No. 6478 of 2024 to establish that the Institution of Civil Engineers, Ludhiana was given recognition only for the academic sessions 2007-08 and was not granted any further extension. The private respondents have brought on record the Government Memo dated 06.11.2007 and 10.07.2012, in the affidavit dated 05.05.2026 which has been annexed as Annexure-I (Series) in W.P.(S) No. 3750 of 2022. In the letter dated 06.11.2007 issued

by the Government of India, the temporary recognition approval for 2007-2008 academic session has been granted by the Government of India, on the recommendation of committee formed by AICTE and it has not been renewed in the Memo dated 10.07.2012. Further the private respondents have pointed out at paragraph 15 of the writ petition being W.P.(S) No. 3750 of 2022 to show that all the petitioners have enrolled in the Institution of Civil Engineers (India), Ludhiana between 2008 to 2013.

12. The private respondents have further relied upon the Jharkhand Engineering Service, Appointment and other Service Conditions Rules, 2025, which was notified on 06.01.2026 and published in the Official Gazette on 22.01.2026. Schedule-II, Serial No.5 (ii) of the Rules of 2025 provides the eligibility criteria for promotion on the post of Assistant Engineer. It provides that the during the service tenure or prior to joining of the service the eligible candidates should have obtained the Engineering Degree from the recognized institution or AMIE degree. The private respondents have relied upon the judgment passed by the Hon'ble Supreme Court in the case **of *Chairman-cum-Managing Director, Coal India Limited & Others. Versus Ananta Saha & Others.*** *reported in* ***(2011) 5 SCC 142*** which has held that the law which is to be applied in a case is the law prevailing on the

date of decision making and further in absence of challenge to the Rules of 2025, the case of the petitioners have to be considered as on the date of decision making and the law prevailing as on today is the Rules of 2025 which clearly provides the eligibility criteria for promotion to the post of Assistant Engineer as during the service period or prior to joining of the service, the Engineering Degree has to be obtained from the recognized institutions or AMIE Degree.

E. Case of the All India Council for Technical Education (AICTE)

13. The College, from which the petitioners have acquired the Degree of AMICE bears recognition only for the academic session 2007-2008. The affidavit filed by the AICTE, dated 05.03.2025, filed in W.P.(S) No. 6478 of 2024, wherein at paragraph no. 13, the following has been stated:

> "*That it is further stated that as per letter no. 7-11/2022-TC dated 03.03.2023 received from the Ministry of Education, Govt. of India, Institution of Civil Engineers, Ludhiana* ***was given recognition only for the academic session 2007-2008 and not granted further extension."***
> ***the academic session 2007-2008 and not granted further extension."***

14. The above stated averment has been supported by Annexure-C therein, in which the letter dated 03.03.2023, issued by the Govt. of India to the Member Secretary AICTE has been annexed. It has been specifically stated in this letter that **"the averments made in some other writ application, in relation to recognition of Institution of Civil Engineers**

(ICE), Ludhiana, Punjab are incorrect, rather it is correct position of fact that this Institution has been granted recognition only for the academic session 2007-2008 and not thereafter."

F. Issue.

15. The short question which arises for consideration is whether the degree/diploma (AMICE) obtained by the Petitioners, who are Junior Engineers, from the Institution of Civil Engineers (India), Ludhiana, is equivalent to the degree/diploma (AMIE) obtained from the Institute of Engineers (India), for the limited purpose of qualifying under the 10% promotional quota to the post of Assistant Engineer earmarked for "AMIE or Equivalent Qualification" holders under Resolution No. 4377(S) dated 01.09.2009, as reiterated by Resolution No. 933(S) dated 07.03.2022.

G. Analysis.

16. The State of Jharkhand has taken a consistent, considered, and unbroken policy decision against recognition of this qualification for promotional purposes. As early as vide departmental order dated 20.12.2010, the State after verification from the University Grants Commission, the Distance Education Council, AICTE, and the State Science & Technology Department excluded Junior Engineers holding distance-mode B.Tech. degrees from three named institutions

from the AMIE-equivalent seniority list. Thereafter, by Memo dated 02.09.2013 addressed to the Jharkhand Public Service Commission, the State expressly declined to recognise certificates issued by the Institution of Civil Engineers and the Institution of Mechanical Engineers (India) for appointment to the post of Assistant Engineer, relying on AICTE's own stated policy that it does not recognise Engineering/ Technology qualifications acquired through distance-education mode at all, save MBA and MCA. This position was reaffirmed by Memo No. 2313(S) dated 03.05.2019, issued with reference to the decision of the AICTE Council in its 52nd Emergent Meeting held on 03.08.2017, confining recognition to degrees prescribed under the *Jharkhand Engineering Service Recruitment Rules, 2016* and preceding Rules. These are considered policy decisions well within the State's competence, none of which has been shown to be arbitrary, mala fide, or contrary to any binding directive.

17. Recognition by UPSC, relied upon by the petitioners, does not establish the equivalence claimed. The UPSC's Engineering Services Examination notice prescribes the eligibility criteria to be AMIE, not AMICE (Institution of Civil Engineers, Ludhiana), as a recognised qualifying degree.

18. The combined reading of the Government of India letters dated 06.11.2007, 10.07.2012 and 03.03.2023, clarifies

the position as crystal clear that the recognition of the petitioners' college was only for academic sessions 2007-2008 and not any further.

19. Admittedly, all the petitioners have enrolled in the Institution of Civil Engineers (India), Ludhiana between 2008 to 2013 as is evident from the paragraph-15 of the writ petition being W.P.(S) No. 3750 of 2022. The AICTE has taken a stand in their affidavit that the recognition of the petitioners' college was only valid for the academic sessions 2007-2008. It was not recognized thereafter, and the question of equivalence does not arise once the degree was not recognized. The determination of equivalence is relevant only where qualification is recognized. Even otherwise, the Courts, cannot see the equivalence of the degree.

20. The law regarding equivalence of a degree is no more *res-integra*. The determination of whether one qualification is equivalent to another is the exclusive domain of the recruiting authority, the State, or specialized academic expert bodies. The Courts cannot invoke the power of judicial review to expand prescribed qualifications, apply their own evaluation criteria, or declare a degree equivalent to another. Equivalence is highly technical academic matter. It cannot be assumed simply because two courses have similar syllabi. Any declaration of equivalence must be issued as specific, formal order or

resolution by an authorized academic body and must be duly published.

21. The Hon'ble Supreme Court in the case of ***Unnikrishnan C.V. & Others versus Union of India & Others*** vide judgment dated 28.03.2023 reported in (2023) 18 SCC 546 has held at paragraphs-12 to 6:-

> *"12. In this background, the qualification as prescribed in column No. 11 of GREF Rules, 1982 when perused, would indicate that candidate who is seeking promotion to the post of Superintendent BR Grade-I has to possess "Diploma in Civil Engineering" with 5 years regular service in the grade of General Reserve Engineering Force. Whereas appellants are possessing Diploma in Draughtsman Estimating and Design (DED), which fact is not seriously disputed by them. Mr. Tapas Das, learned counsel appearing for the appellants has fairly conceded before this Court that an erroneous proposition was put forth before the High Court, namely, it was contended that Diploma is equivalent to a Degree and as such negating said contention, the High Court though justified its conclusion had erred in ignoring the consistent stand that had been taken by the Appellants, namely, Diploma in DED possessed by them is that of 2 years course and though column 11 prescribes Diploma in Civil Engineering for being promoted as Superintendent BR-Grade-I is to be treated as equivalent and this aspect was required to be considered by the High Court is an argument which looks attractive at first blush. However, on a careful perusal of the extant Rules as applicable for promotion to the post of Superintendent BR Grade-II, said contention has to be necessarily rejected for reasons more than one. Firstly, before the High Court appellants attempted to justify their claim contending "Diploma" is equivalent to a "Degree" and as such being entitled for promotion which has been negatived by the High Court and rightly so. Secondly, appellants tried to justify their claim contending rule as applicable for direct recruitment would be applicable for recruitment by promotion, which has not been accepted by the High Court. In so far as the contention regarding qualification for promotion, the rule itself is explicit and clear, namely, it prescribes for promotion to Superintendent BR Grade-I only, those candidates possessing Diploma in Civil Engineering with 5 years regular service in the grade in General Reserve Engineering Force would be eligible. No doubt, said rule is silent with regard to Diploma in Civil Engineering being either 3 years or otherwise. It is an undisputed fact that appellants possess 'Diploma in DED' and not 'Diploma in Civil Engineering'. It is trite law that courts would not prescribe the qualification and/or declare the equivalency of a course. Until and unless rule itself prescribes the equivalency namely, different courses being treated alike, the courts would not supplement its views or substitute its views to that of expert bodies.*
>
> *13. In Guru Nanak Dev University v. Sanjay Kumar Katwal & Anr., this Court has reiterated that equivalence is a technical academic matter. It cannot be implied or assumed. Any decision of the academic body of the university relating to equivalence should be by a specific order or resolution, duly published. Dealing specifically with whether a distance education course was equivalent to the degree of MA (English) of the appellant university therein, the Court held that no material had been produced before it to show that the distance education course had been recognized as such.*
>
> *14. In Zahoor Ahmad Rather & Others v. Sheikh Imtiyaz Ahmad & Ors[2], it was held that the State, as an employer, is entitled to prescribe qualifications as a condition of eligibility, after taking into consideration*

the nature of the job, the aptitude required for efficient discharge of duties, functionality of various qualifications, course content leading up to the acquisition of various qualifications, etc. Judicial review can neither expand the ambit of the prescribed qualifications nor decide the equivalence of the prescribed qualifications with any other given qualification. Equivalence of qualification is a matter for the State, as recruiting authority, to determine.

(Emphasis supplied)

15. The diploma courses offered by College of Military Engineering, Pune, (CME) has been recognized as a course for recruitment to the post under the Central Government vide notification dated 01.02.2001, issued by Ministry of Human Resource Development (Annexure P-8). Said notification does not indicate diploma courses specified therein which are recognized by the Government of India are to be treated as equivalent. No material has been placed on record by the appellants to demonstrate that Diploma in DED is equivalent to Diploma in Civil Engineering.

16. The presumption on which the Writ Petition seems to have been presented is on the premise that appellants have been denied promotion on the ground that they possess a two year diploma not three year diploma, by completely ignoring the fact that denial of promotion is on the ground that candidates do not possess the prescribed requisite qualification namely "Diploma in Civil Engineering" and "Diploma in DED" possessed by them is not as prescribed under the Rules. It is no doubt true that eligibility for promotional post namely Superintendent BR Grade-I is not conditioned by any year wise stipulations vis-a-vis the diploma course. In that view of the matter, prayer of the appellants cannot be granted for the reasons indicated hereinabove and we do not find any fallacy in the reasons assigned by the High Court."

22. The Hon'ble Supreme Court in the case of ***Devender Bhaskar & Others versus State of Haryana & Others,*** reported in ***(2024) 19 SCC 506*** has held at paragraphs-20 to 26:-

"20. We have already noticed that one of the eligibility criteria for appointment to the post of Arts and Crafts Teacher as per the advertisement dated 20-7-2006 is a "two-year diploma in Art and Craft examination conducted by the Haryana Industrial Training Department or an equivalent qualification recognised by the Haryana Education Department". It was made clear by the Industrial Training and Vocational Educational Department, Haryana, that diploma in Art and Craft Course by Kurukshetra University is conducted through distance education and that this course cannot be equated with two-year diploma in Art and Craft Course awarded by the Haryana Industrial Training Department. Recognition of the said Course by the State of Haryana, as held by the High Court, is entirely different from its equivalence. When the experts in the Education Department have held the diploma in Art and Craft by Kurukshetra University is not equivalent to the two-year diploma in Art and Craft awarded by the Haryana Industrial Training Department, we are of the view that the High Court was not justified in equalising them.

21. In Mohd. Shujat Ali v. Union of India, it was held that the question regarding equivalence of educational qualifications is a technical question based on proper assessment and evaluation of the relevant academic standards and practical attainments of such qualifications. It was further held that where the decision of the Government is based on the recommendation of an expert body, then the Court, uninformed of relevant data and unaided by technical insights necessary for the purpose of determining equivalence, would not lightly disturb the decision of the Government unless it is based on extraneous or irrelevant considerations or actuated mala fides or is irrational and perverse or manifestly wrong.

> *22. In J. Ranga Swamy v. State of A.P. this Court held that it is not for the court to consider the relevance of qualification prescribed for various posts.*
> *23. In State of Rajasthan v. Lata Arun this Court held that the prescribed eligibility qualification for admission to a course or for recruitment to or promotion in service are matters to be considered by the appropriate authority. It was held thus: (SCC p. 258, para 13)*
>
> > *"13. From the ratio of the decisions noted above, it is clear that the prescribed eligibility qualification for admission to a course or for recruitment to or promotion in service are matters to be considered by the appropriate authority. It is not for courts to decide whether a particular educational qualification should or should not be accepted as equivalent to the qualification prescribed by the authority."*
>
> *24. In Guru Nanak Dev University v. Sanjay Kumar Katwal this Court has reiterated that equivalence is a technical academic matter. It cannot be implied or assumed. Any decision of the academic body of the university relating to equivalence should be by a specific order or resolution, duly published. Dealing specifically with whether a distance education course was equivalent to the degree of MA (English) of the appellant university therein, the Court held that no material had been produced before it to show that the distance education course had been recognised as such.*
> *25. In Zahoor Ahmad Rather v. Imtiyaz Ahmad, it was held that the State, as an employer, is entitled to prescribe qualifications as a condition of eligibility, after taking into consideration the nature of the job, the aptitude required for efficient discharge of duties, functionality of various qualifications, course content leading up to the acquisition of various qualifications, etc. Judicial review can neither expand the ambit of the prescribed qualifications nor decide the equivalence of the prescribed qualifications with any other given qualification. Equivalence of qualification is a matter for the State, as recruiting authority, to determine.*
> *26. Having regard to the above, in our view, the High Court has erred in holding that the diploma/ degree in Art and Craft given by Kurukshetra University is equivalent to two-year diploma in Art and Craft examination conducted by the Haryana Industrial Training Department or diploma in Art and Craft conducted by Director, Industrial Training and Vocational Education, Haryana."*

23. In the present case there is no document that establishes equivalence. There is no notification, order, or communication of any competent authority, Central or State declaring, in terms, that the AMICE qualification from the Institution of Civil Engineers (India), Ludhiana, is equivalent to AMIE from the Institute of Engineers (India).

24. The Petitioners place substantial reliance on the Patna High Court's judgment dated 09.11.2016 in CWJC No. 16304 of 2016 which does not support the equivalence claimed. That judgment, at paragraphs 5 and 6, expressly records that the Court would *"not venture to declare or to make a proclamation"*

that the Ludhiana diploma/degree should be treated as equivalent to that of the Institute of Engineers (India), and merely directed the State of Bihar to take its own decision on the question within a stipulated period.

25. A judgment that expressly declines to decide the very question in issue cannot be cited as authority for the proposition that equivalence has been judicially recognised.

26. The subsequent policy of the State of Bihar is neither binding nor relevant to the State of Jharkhand. The decision taken by the State of Bihar vide Memo No. 2260(s) dated 09.03.2017 was an exercise of that State's own executive policy-making power in relation to its own cadre and Rules. Policy decisions of one State on a question of educational equivalence for its own services do not bind a different State.

27. Further, the Rules of 2025 specifically provides the eligibility criteria for promotion to the Assistant Engineer as during the service period the Engineering Degree has to be obtained from the recognized institutions or AMIE Degree. The Hon'ble Supreme Court in the case of ***Ananta Saha*** *(supra)*, has held at paragraph-18:-

> *"18This Court in State of T.N. v. Hind Stone 11, V. Karnal Durai v. District Collector 12, Union of India v. Indian Charge Chrome 13 and Howrah Municipal Corpn. v. Ganges Rope Co. Ltd.14 has clearly held that the law which is to be applied in a case is the law prevailing on the date of decision making."*

28. In absence of no challenge to the Rules of 2025, by the petitioners, the law which has to be applied in the present case is the law prevailing on the date of decision making. The case of the petitioners has to be considered as on today is in terms of the Rules of 2025, which clearly provides that for promotion on the post of Assistant Engineer, the candidates have to obtain the Engineering Degree from the recognized institutions during the service tenure or AMIE Degree.

29. The petitioners have no absolute, indefeasible vested rights to be considered for promotion against the 10% quota for AMIE Degree holders. However, the Petitioners are not rendered remediless. Resolution dated 01.09.2009 preserves a 28% general quota for promotion of other Junior Engineers, independent of the AMIE/equivalent-qualification quota. The respective Petitioners remain eligible to be considered thereunder, and it is a matter of record that the original Petitioner No. 11 in W.P.(S) No. 3750 of 2022 (since deleted from the array of parties) has in fact already been promoted to Assistant Engineer under that very 28% quota. The premise that the Petitioners face exclusion from every available channel of promotion is accordingly without foundation.

30. In view of the aforesaid facts and the law laid down by the Hon'ble Supreme Court in the cases of ***Unnikrishnan (supra), Devender Bhaskar (supra) and Ananta Saha***

(supra), the impugned order needs no interference and further the petitioners have failed to establish by any document or authority, that AMICE qualification is equivalent to AMIE for the purpose of the 10% promotional quota under Resolution dated 01.09.2009.

31. This Court by an order dated 05.05.2026 has granted interim order in favour of the petitioners and due to the operation of the interim order, the Departmental Promotion Committee (DPC) meeting could not be convened. Furthermore, the Government has issued a Circular dated 06.07.2026 stipulating that the DPC shall be held only once in a year, during the month of July. Consequently, in the year 2026, several employees whose vigilance reports were duly prepared could not have their cases considered for promotion.

32. Accordingly, the State Government is directed to convene the DPC within Six weeks from today and to grant promotion to all eligible candidates. Consequently, the interim order dated 05.05.2026 is hereby vacated.

33. Accordingly, all these writ applications being devoid of any merit, are hereby, dismissed. Pending I.A.(s), if any, also stands closed.

(Deepak Roshan, J.)

Dated:07/09/2026
Amardeep/
A.F.R
Uploaded on
8.9.2026