IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 5226 of 2024

---

1. Ravi Shankar Prasad, aged about 46 years, son of Gauri Shankar Prasad, resident of Qr. No. O-29, BIT Sindri, P.O.-SIT Sindri, P.S.-Sindri, District-Dhanbad (Jharkhand)
2. Rajen Kumar Nayak, aged about 50 years, son of Krishna Kumar Nayak, resident of Qr. No. O-64, BIT Sindri, P.O.-SIT Sindri, P.S.-Sindri, District-Dhanbad (Jharkhand)
3. Ujjwal Kumar Nayak, aged about 47 years, son of Krishna Kumar Nayak, resident of Qr. No. O-48, BIT Sindri, P.O.-SIT Sindri, P.S.-Sindri, District-Dhanbad (Jharkhand)
4. Abhay Gyan P. Kujur, aged about 54 years, son of Emmanuel Kujur, resident of Qr. No. O-61, BIT Sindri, P.O.-SIT Sindri, P.S.-Sindri, District-Dhanbad (Jharkhand)

..... Petitioners

Versus

1. The State of Jharkhand
2. The Secretary, Higher and Technical Education Department, Govt. of Jharkhand, having its office at Nepal House, Doranda, P.O. & P.S.-Doranda, District-Ranchi (Jharkhand)
3. The Director, Science and Technology, Higher and Technical Education Department, Govt. of Jharkhand, having its office at Nepal House, Doranda, P.O. & P.S.-Doranda, District-Ranchi (Jharkhand)
4. The Director, BIT Sindri, P.O.-Sindri Institute, P.S.-Sindri, District-Dhanbad (Jharkhand)

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. Saurabh Shekhar, Adv.
For the Res.BIT : Mr. M. K. Roy, Adv.
For the Res. State : Mr. Manish Kumar, Sr. SC-II

CAV ON:05/08/2026 **Pronounced On. 23/09/2026**

The instant writ application has been preferred by the petitioners praying therein for their promotion from Assistant Professor (Grade-Pay of Rs.8000/-) to Associate Professor (Grade-Pay of Rs.9000/-), under the Career Advancement Scheme. Further prayer has been

for grant of the promotion w.e.f. the date of eligibility, with all consequential monetary benefits.

2. The prayer of the petitioners is connected with the selection process that had already started, vide communication dated 25.06.2019, whereby the names of the eligible candidates were invited by the BIT Sindri. It is important to note that their selection process was started, as per the provisions of Govt. notification, as contained in Memo No.968, dated 01.12.2015, which provides at Clause-11, that it will be regulated by the AICTE Regulations, 2012, framed for the Career Advancement Scheme.

3. Brief facts of the case as per the pleadings are as follows:-

(i) The petitioners were appointed to the post of Lecturer, in the BIT Sindri, in pursuance to the selection process conducted by the Jharkhand Public Service Commission's competitive examination. Their appointment to the post of Lecturer was subsequently merged with the nomenclature as Assistant Professor. In the course of time, the petitioners had received different upgradation in Grade Pay and finally became eligible for the grade-pay of Rs.9000/-, and equivalent promotion to the post of Associate Professor.

(ii) It is the case of the petitioners that the upgradation in the grade-pay and equivalent promotion from Assistant Professor to Associate Professor is an exercise, whereby the post acquired by the employee is upgraded to higher rank, instead of transit from one post to another. The above-mentioned promotion is as per the Career Advancement Scheme, of the AICTE Regulation, 2012.

(iii) The regulation of AICTE, 2012 had been adopted by the Govt. of Jharkhand, vide its Govt. notification, as contained in Memo No.968, dated 01.12.2015. The above-mentioned Govt. notification promulgates the *Jharkhand Technical Education Service Regulation, 2013 (Amendment 2015)*, framed under the proviso to Article 309 of the Constitution of India by the State Govt.

(iv) The Rules at its Clause-11 had adopted the AICTE Regulations of 2012, which provides for Career Advancement Scheme Program for the higher technical education in Jharkhand. Thereafter, the entire exercise was initiated in the year 2019 for giving the benefit of career advancement to them, by up-gradation of the Grade-Pay from Rs.8000/- to Rs.9000/ and equivalent up-gradation of the post from Assistant Professor to Associate Professor.

(v) Thereafter, the process was initiated at the end of the College – BIT Sindri, by inviting names of interested and eligible persons *vide* communication, dated 25.06.2019. This can be co-related with the provisions of Clause-2.1 of the AICTE Regulations, 2012. In further development, on 16.01.2020, the applications of the eligible candidates were screened and passed by the BIT Sindri and list of these names had been proposed to the Department of Higher and Technical Education, Govt. of Jharkhand. These names were further screened on 05.02.2021, by the Department, by constitution of a screening committee.

(vi) On 18.02.2022, the department, through its Additional Chief Secretary, directed that the screening committee constituted earlier did not include the Director of the Department on the Board and therefore, the

constitution of screening committee, at the level of Department, should be changed and re-screening of the names should be done.

(vii) However, the communication dated 18.02.2022 of the Department was skipped and the matters of the candidates was sent before the Departmental Promotional Committee/ Departmental Selection Committee, which conducted the interview on 20.08.2022, on the basis of which the names of the candidates (including the Petitioners) had been recommended to the department for promotion/ up-gradation.

The sitting of the selection committee is as per the provision of Clause-2.5 of the AICTE Regulation, 2012.

4. It has been submitted by Ld. Counsel for the petitioners that since the interview committee has already recommended their names to the department, the selection process is complete as per the provision of Clause-2.9 of the AICTE Regulations, 2012, and now only a decision is to be taken by the department to notify the promotion of the petitioners.

5. *Per contra,* Ld. Counsel for the respondents submitted that though the promotional/ selection process in connection with Career Advancement Scheme had started in the year 2019, but there were some discrepancies in the selection process, which was highlighted by the Director, Higher and Technical Education to the then Additional Chief Secretary, who directed to ensure full compliance with the AICTE notification, dated 01.03.2019 and directed to include the Director, Technical Education, in the Screening

Committee, as well as to include concerned subject experts in the light of the Rules.

This is related with the discrepancy noticed at the level of scrutiny of the names of the candidates by the department, after the scrutinized names had already been proposed by the BIT Sindri. Therefore, the discrepancy highlighted by the respondents, is at the interregnum period in between the process of scrutiny done by the College and the final interview done by the departmental selection committee; highlighting this discrepancy. The respondents have stated that without remedying the above-mentioned lacuna, the matter was sent before the interview panel, which conducted the interview and selection process and the names were recommended.

The respondents have further raised another concern that the interview panel, dated 20.08.2022, has left some space in its recommendation column, regarding whether the candidate is recommended or not - in regards to few candidates. Therefore, against some of the names, though the marking has been done but nothing has been stated in place of recommendation column and that is blank.

The respondents have further raised concern that during the course of time, AICTE Regulation of 2019, that was promulgated and has already been adopted by the Govt. of Jharkhand in the year 2024, named as *Jharkhand Technical Education Service Regulations, 2024*, notified on 19.02.2024. The petitioner's case is covered by the provisions of this rule at *Clause-5(1)(gha)*, whereby, they should be considered as per their earlier qualification, and hence, are eligible, and in that regard, the selection process is to be re-started on the same

eligibility and qualification, which they held, as per the AICTE Regulations, 2012.

On the basis of the above circumstances, the respondents say that the case of the petitioner is premature and they are to be considered as per the new Govt. of Jharkhand Regulations, 2024. The earlier process conducted as per the earlier rules, suffer from the discrepancies and hence, the recommendation of the interview committee/ departmental selection committee, dated 20.08.2022 cannot be complied with.

6. Having heard learned counsel for the parties and upon perusal of the materials available on record, the admitted facts are as follows:-

(i) On 25.06.2019, the Career Advancement Scheme process was initiated, as per the provision of Govt. notification, dated 01.12.2015, that is the Rules framed under proviso to Article 309 of the Constitution of India, called as *Jharkhand Technical Education Service Regulations, 2013 (Amendment 2015)*.

(ii) The Clause-11 of the Rules prescribed that the Career Advancement Scheme is to be granted to the employees, on the basis of the provisions of AICTE Regulations, 2012. The AICTE Regulations, 2012, deal with the entire process of grant of CAS to eligible and qualifying candidates, as contained in its Clause-2.

(iii) The Clause-2.1 provides that a teacher who wishes to be considered under CAS may submit an application, which would be scrutinized at the end of the College, and the selected names shall be proposed to the department. This, in the present case, was done on 25.06.2019 when the initiation of the CAS process was done, by inviting the names of the eligible candidates, by the BIT Sindri. The names were thereafter sent over to

the department by the scrutiny committee, framed under the jurisdiction of the College, on 16.01.2020.

(iv) The entire selection process to grant the benefit of CAS to the employees and up-gradation of their post from Assistant Professor to Associate Professor was initiated on 25.06.2019 and the names were proposed to the department on 16.01.2020.

(v) The next step of the process is Clause-2.5 when the Screening-cum-Evaluation Committee which is constituted by the department undertakes the process of selecting appropriate candidates, on the basis of available eligibilities and on conducting interview. This was also done by the constitution of proper Evaluation-cum-Screening Committee, on 20.08.2022.

(vi) This committee conducted the selection by full-fledged interview and recommended the names of the candidates.

7. Thus, as per the provision of *Clause-2.9* of the *AICTE Regulations, 2012;* on the recommendation of the names by the Screening-cum-Evaluation Committee, the entire process comes to a close and the selection process is completed.

In other words, once the names have been recommended, it was the turn of the department to take decision and notify the names of the candidates. However, neither of these steps have been taken and after 20.08.2022, the petitioners were forced to approach this Court on 29.08.2024, as the matter had been kept pending.

8. In the instant writ application, first prayer that they have made is to conclude the selection process of grant of CAS from Grade pay of Rs.8000/- to Rs.9000/-

and equivalent upgradation from Assistant Professor to Associate Professor.

It is only in the Counter Affidavit that the respondents have submitted that the process in reference had undergone some discrepancies and now, the new Rules have come, i.e. *Jharkhand Technical Education Service Rules, 2024,* that has adopted fresh AICTE Regulations, 2019.

In the Counter Affidavit, it has further been informed that the petitioners are eligible as per the new Rules, on the criteria as set by the AICTE Regulations, 2012. Therefore, virtually nothing has changed for them and they can freshly apply for the new selection process, under the mandate of *Jharkhand Technical Education Service Rules, 2024*.

9. Thus, the discrepancies highlighted by the respondents in the Counter Affidavit is primarily to the effect that after the names of the candidates had been scrutinized and sent over by the BIT Sindri, on 16.01.2020, to the department, the department had undergone an independent scrutiny by constitution of a committee, on 05.02.2021. The names of all the candidates had been found fit, but, however, it was communicated by the Director of the department to the Additional Chief Secretary, that the scrutiny committee at the end of the department did not comprise of the Director, Technical Education, and therefore, in the absence of proper scrutiny committee, the names should not move forward.

The Additional Chief Secretary of the Department – Higher and Technical Education directed that the scrutiny committee should be appropriately constituted in the presence of the Director and the

process of scrutiny should be re-done. This was, however, not followed and the entire list of the names was sent over to the Screening-cum-Evaluation Committee/Selection Committee, which conducted the interview on 20.08.2022.

The respondents have flagged this and have cited it as to be the reason to withdraw from the referred selection process.

10. The second discrepancy has been pointed out in the recommendations that have been recorded by the Screening-cum-Evaluation Committee, to the extent that against the marking of petitioner nos. 1, 2 & 3 at the space where the remark of *"recommended or not recommended"* was to be stated, has been left unfilled. However, at the same time, in regards to petitioner no. 4, his name has been appropriately recommended by the Committee.

On the basis of the above discrepancy, the respondents have pleaded that the selection process was erroneous.

11. It has further been stated that now instead of correcting this, as because the fresh rules have come, therefore, the fresh selection process would be initiated and the petitioners would not be prejudiced as because the educational qualification remains to be the same, that is as per the provisions *AICTE Regulations, 2012*, and will not be guided by the enhanced eligibility as provided under the *AICTE Regulations, 2019*.

12. However, in view of the fact that the Govt. of Jharkhand Rules, 2024 has adopted the AICTE Regulations, 2019 and therefore, the fresh selection process is mandated.

The case of the petitioners, therefore, is to be scrutinized on the basis of the three issues that have been raised by the respondents, including that it would be detrimental in declaring the conclusion of selection process that had been initiated in the year 2019 and conducted by the Screening-cum-Evaluation Committee, in the year 2022.

13. As far as the first objection is concerned, that is in regards to discrepancy in constitution of the screening committee at the end of the department to scrutinize the names of the candidates, it appears that the selection process was initiated as per the *AICTE Regulations, 2012*, that was in operation at the relevant point of time, in accordance with the *Jharkhand Education Service Rules, 2013 (Amendment 2015)*.

The said Rules would adopt the AICTE Regulations of 2012, in which at Clause-2.1, first scrutiny is to be done at the level of the College and that is the beginning of the selection process.

14. In the present case, the selection process was initiated in the year 2019, by the College and the names were scrutinized and proposed to the department. The *AICTE Regulations, 2012* does not speak of a secondary or intermediary level of scrutiny to be done by the department; rather, at Clause-2.5, the Screening-cum-Evaluation Committee has been provided to be constituted, that will select the appropriate candidates eligible to get the Career Advancement, in the present case, from Grade-Pay of Rs.8000/- to Rs.9000/- and equivalent promotion from Assistant Professor to Associate Professor.

15. Therefore, the issue raised by the department that the scrutiny committee at the intermediary stage

was not appropriately constituted, was not even necessary, as because Rules do not provide for the constitution of the scrutiny committee at the level of department once the names have been scrutinized at the end of the College.

16. Further, even if the department was to constitute its independent scrutiny committee, after the names had already been scrutinized by the College, then also, the constitution of the committee has not been provided or notified by the respondent authorities. Therefore, to say that the committee was not constituted as per the mandatory provision, is not in consonance with any notified constitution of the specified member to comprise the quorum of committee, that would require to scrutinize the names of the candidates.

17. Even assuming that the committee was not constituted as per the proper mandate, then also, the discrepancy is merely an error that does not malign the sanctity of the selection process. There is no dispute that the names were appropriately invited and all the candidates submitted their applications, which was properly scrutinized by the College. All the candidates were eligible.

Furthermore, the scrutiny at the intermediary stage was again done by the department; and only objection is that the committee did not constitute of Director, Technical Education as its member. The names that were further shortlisted had to undergo an exhaustive interview process conducted by the duly constituted Screening-cum-Evaluation Committee, which has marked each candidate as per his qualification, eligibility and performance.

18. Therefore, since the entire process has been performed, as per the rules and in all fairness, without any complaint or violation of the constitutional provisions of Article 16 of the Constitution of India, then merely for the reason of the error of absence of Director, Technical Education in one of the scrutiny committees, cannot vitiate the entire selection process; rather, it would be called as to be nothing more than error, not connected with the root of the case.

19. Having regards to above, the Court is of the view that effort should be made to protect the selection process which has taken four years long process, and instead of scrapping it all over and start afresh, in view of the fact the error highlighted and pointed out do not meet the reason of logic, in order to scrap the entire selection process, and the selection process shall be saved and must be protected against such reasons being flagged by the respondents.

20. As far as second issue is concerned, it is merely technical in nature, as because even though in connection with the petitioner no. 1, 2 & 3, in place where remark of *"recommended or not recommended",* should have been recorded, that space was kept unfilled, this however does not mean anything, as because in the covering page of the recommendations made, it has been recorded that around 17 candidates had been recommended by the committee from Grade Pay of Rs.8000/- to Rs.9000/- and from Assistant Professor to Associate Professor. If these numbers are tallied, then it will include the case of the petitioner no. 1, 2 & 3.

Further, as far as the case of the petitioner no.4 is concerned, his case does not suffer from this error, as because in front of his name, the marking has

been done and remark *"recommended"*, has been appropriately recorded. The non-recording of the marking *"recommended or not recommended"* seems to be an error apparent on the face of record, when at one place, it has already been recorded that around 17 candidates had been recommended. The entire selection process cannot be failed for the human error, particularly when the intent is clear that all the 17 candidates have been recommended from Grade Pay of Rs.8000/- to Rs.9000/-. This objection, therefore, should also be negated as failed.

21. As far as next objection raised by the respondents is concerned, it is in relation to the promulgation of the *Jharkhand Technical Education Service Rules, 2024*. These are fresh Rules that have adopted AICTE Regulations, 2019. The respondents have further stated in the Counter Affidavit that the eligibility condition for the petitioners would continue to be regulated by the AICTE 2012 Regulations and would not be changed.

The *Jharkhand Technical Education Service Rules, 2024* states at Clause-18 that the actions that have already been done in the past would be saved and it will be deemed that it has been done in the jurisdiction and controlling power of the current regulations.

If these provisions are read with the facts of the present case, it would come that the CAS selection process was already initiated in the year 2019 and concluded in the year 2022, by recommendation of the names by the Screening-cum-Evaluation Committee; as has been provided under the AICTE Regulations, 2012 at Clause-2.9, and it would be appropriate to say that the

selection process was concluded with the recommendation of the names on 20.08.2022.

Therefore, the above action would stand saved by the provisions of Clause-18 of the *Jharkhand Technical Education Service Rules, 2024*.

22. In addition to the above points, what is very necessary to be pointed out is the conduct and action of the respondents. The selection process for CAS that was initiated in the year 2019 and concluded by recommendation of the names in the year 2022, but alas it was kept stacked with the respondents for two years and the respondents virtually waited sitting idle over the matter for the fresh Rules to be promulgated.

Further, the discrepancies, that have been pointed out by the respondents, are the discrepancies at their own end, which does not even connect to the sanctity or fairness of the selection process. These are errors that have been done by the men of the respondent authorities, for which the petitioners cannot be made to suffer.

23. The entire selection of CAS had taken four years of time and the petitioners had participated diligently at each point, and behaved as they were asked to. The reasons that have been highlighted by the respondent authorities cannot be said to be good enough to scrap the entire CAS selection process.

24. In view of the above facts and circumstances and the errors that are amenable to be remedied or ignored, particularly when the sanctity of selection process, fairness and equal opportunity to all has appropriately been followed, the petitioners should not be made to undergo rigors of fresh process that may again undergo years of process.

25. Having regard to the aforesaid discussions, this Court is having no hesitation in holding that the entire selection process was fair and proper, and in pursuance of this, accordingly, the respondents are directed to notify the career advancement of the petitioners from grade-pay of Rs.8000/- to Rs.9000/- and equivalent promotion from Assistant Professor to Associate Professor, w.e.f. the date of eligibility, that is from the year 2019, along with all consequential benefits, including arrears of salary.

Necessary order to the aforesaid effect be issued within a period of 8 weeks from the date of receipt of copy of this order.

26. It is clarified that the payment of benefits is to be given from the date of eligibility which is not in dispute and is provided in the AICTE Rules itself, being the benefit to be given in a time bound manner.

27. Accordingly, the instant writ application stands allowed. Pending I.A.(s), if any, stands closed.

(**Deepak Roshan, J.**)

23/09/ 2026
Uploaded on
24/09/2026
Fahim/-
AFR