IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 20 of 2026
With
I.A. No. 17338 of 2025

1. The State of Jharkhand through the Secretary, Department of Finance, Government of Jharkhand, having its office at Project Bhawan Dhurwa, P.O. & P.S. Dhurwa, District Ranchi, Jharkhand. PIN 834004.
2. The Secretary, Road Construction Department (R.C.D), Govt. of Jharkhand, having its office at Project Bhawan Dhurwa, P.O. & P.S. Dhurwa District Ranchi, Jharkhand. PIN 834004.
3. The Under Secretary, Road Construction Department (R.C.D), Govt. of Jharkhand, having its office at Project Bhawan Dhurwa, P.O. & P.S. Dhurwa District Ranchi, Jharkhand. PIN 834004.
4. The Superintending Engineer, Road Construction Department (R.C.D), Road Circle Hazaribag having its office at nearby Jharkhand State Govt. Bus Stand Hazaribag, P.O. GPO Hazaribag, P.S. Sadar Hazaribag District. Hazaribag, Jharkhand PIN- 825301.
5. The Executive Engineer, Road Construction Department (R.C.D.) Road Division Giridih having its office at Barachowk Giridih, P.O.GPO Giridih, P.S. Sadar Giridih, District Giridih, Jharkhand PIN 815301.

... ... Appellants

Versus

Rabindra Prasad, son of Late Mahadeo Prasad, resident of village Lohsinghna Road, Near Dr. Bhanu Shankar, Ambedkar-puri Hazaribag, P.O. Hazaribag, P.S. Sadar Hazaribag, District Hazaribag, Jharkhand PIN-825315.

… ... Respondent

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Appellants : Mr Ashok Kumar Yadav, Sr.SC-I
For the Respondent : Mr Krishna Shankar, Advocate
Mr Sahadeo Choudhary, Advocate
Ms Shoba Rani, Advocate

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03 /Dated: 28.10.2026

Per M.S. Sonak, C.J.

1. Heard Mr Ashok Kumar Yadav, learned Sr. S.C.-I for the appellants and Mr Krishna Shankar who appears with Mr Sahadeo Choudhary and Ms Shoba Rani for the respondent.

2. I.A. No. 17338 of 2025 seeks condonation of delay of 160 days in filing the accompanying appeal.

3. On perusing the averments, we condone the delay and dispose of I.A. No. 17388 of 2025.

4. With consent, we take up the accompanying appeal for consideration.

5. The appeal is directed against the learned Single Judge's order dated 09.04.2025 allowing respondent's W.P.(S) No. 816 of 2021.

6. The learned Single Judge has followed the decision of the Hon'ble Supreme Court in the case of ***Amresh Kumar Singh and others versus State of Bihar and others***, **2023 SCC OnLine SC 496** and has held that the respondent would be entitled to 1st and 2nd A.C.P. and 3rd MACP with effect from the respective dates on which he completed the qualifying years of service. This must be reckoned from 15.04.1980, not from 23.08.2009, the date on which the respondent cleared the departmental examination after being appointed as an Accounts Clerk.

7. Mr Yadav attempted to distinguish the judgment of the Hon'ble Supreme Court in ***Amresh Kumar Singh*** (*supra*) by submitting that this decision only exempts the requirement of having the higher qualification prescribed for the promotional post because the grant of the benefits under ACP and MACP does not amount to actual promotion but is only a financial upgradation. He submitted that, in this case, the issue was not whether the respondent had the qualifications prescribed for the promotional post, but whether the respondent failed to clear the departmental examination within two years of his initial appointment in 1980.

8. With respect, we cannot appreciate the ground on which the decision of the Hon'ble Supreme Court in ***Amresh Kumar Singh*** (*supra*) is sought to be distinguished. The Hon'ble Supreme Court has held that the object of Schemes like ACP or MACP is to compensate employees for stagnation in situ without

effectuating promotion to a higher post. The Hon'ble Supreme Court held that insisting upon any qualification prescribed for the promotional post would frustrate this object.

9. In this case, the respondent's services were not discontinued in 1982 for alleged failure to clear the departmental examination. The respondent has worked continuously from 15.04.1980. The benefit now awarded by the impugned order is for the respondent's stagnation in the post from 15.04.1980. Incidentally, nothing on record shows that the respondent was ineligible for further promotions, because, admittedly, the respondent cleared the departmental examination on 23.08.2009. Therefore, the basis for distinguishing the Hon'ble Supreme Court's decision in ***Amresh Kumar Singh*** (*supra*) does not apply to the facts of the present case.

10. Mr Yadav then referred to the State Government's resolution of 21.05.2014 - Annexure-7 at page 71 of the supplementary affidavit to submit that the illustrations therein are at variance with the view now taken by the learned Single Judge in the impugned order.

11. The learned Single Judge considered a resolution issued before the Hon'ble Supreme Court's decision in ***Amresh Kumar Singh*** (*supra*). Assuming there was any variation, the learned Single Judge was bound to follow the decision of the Hon'ble Supreme Court in ***Amresh Kumar Singh*** (*supra*), which represents the law of the land under Article 141 of the Constitution, and has correctly done so.

12. Besides, the learned Single Judge's view is consistent with the ratio of ***Amresh Kumar Singh*** (*supra*) and, even otherwise, is reasonable. If accepted, Mr Yadav's contention would effectively wipe out almost 19 years of the respondent's service when awarding him the benefit of schemes such as ACP

or MACP. This would frustrate the objective of such schemes as explained by the Hon'ble Supreme Court.

13. In ***R. Saravanan v. Periyar University***, **2026 INSC 1136**, the Hon'ble Supreme Court recently held that the Letters Patent Bench is not entitled to interfere with a writ court's decision on a mere showing of an error of fact or law. If the writ court's decision, made in exercise of powers under Article 226 of the Constitution, furthers justice, equity, and good conscience and is not against public policy, the Letters Patent Bench should not exercise its appellate jurisdiction to interfere with the Writ Court's decision. Simply put, the Letters Patent Bench cannot interfere with the Writ Court's decision, which is otherwise just and reasonable.

14. Accordingly, for the reasons above, we are satisfied that the impugned order contains no error warranting interference with the exercise of our Letters Patent jurisdiction.

15. For all the above reasons, we dismiss this appeal without any order for costs.

16. If any I.As. are pending, they will not survive and are hereby disposed of.

(M.S. Sonak, C.J.)

(Manoj Prasad, J.)

October 27, 2026
Ranjeet / R.Kr.
NAFR
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