IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 7329 of 2025

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1. Mrs. Nandi Kumari, aged about 55 years, wife of Ram Prakash Toppo, residing at Hatia, P.O.- Hatia, P.S.- Jagarnathpur, District-Ranchi, PIN-834003.
2. Mrs. Anamika Kumari, aged about 40 years, wife of Manish Kumar, residing at Hatia, P.O.- Hatia, P.S.- Jagarnathpur, District- Ranchi, PIN-834003.
3. Mr. Abhay Oraon, aged about 43 years, son of Tejuwa Oraon, residing at Dhurwa, P.O.- Dhurwa, P.S.- Jagarnathpur, District-Ranchi, PIN-834004.
4. Mr. Ajit Kumar Narayan, aged about 44 years, son of Akhileshwar Baitha, residing at Dhurwa, P.O.- Dhurwa, P.S.-Jagarnathpur, District-Ranchi, PIN-834004.
5. Mr. Vinod Kumar Sharma, aged about 55 years, son of Ram Jabit Sharma, residing at Dhurwa, P.O.- Dhurwa, P.S.-Jagarnathpur, District-Ranchi, PIN-834004.
6. Mr. Ashutosh Tiwary, aged about 47 years, son of Ram Niwas Tiwary, residing at Lahlahe, P.O.- Lahlahe, P.S.-Satbarwa, District-Palamu, PIN-822126.
7. Mr. Umesh Kumar Gupta, aged about 44 years, son of Krishna Prasad, residing at Dhurwa, P.O.- Dhurwa, P.S.-Jagarnathpur, District- Ranchi, PIN-834004.
8. Mr. Ajay Kumar Dangi, aged about 47 years, son of Chhavinath Mahto, residing at Chikor, P.O.- Bhadani Nagar, P.S.- Bhadani Nagar, District- Ramgarh, PIN-829105.
9. Mr. Baldeo Mahto, aged about 47 years, son of Tulsi Mahto, residing at Teliya Tand, P.O.- Argada, P.S.- Ramgarh, District- Ramgarh, PIN-829101.
10. Mr. Manoj Kumar Choudhary, aged about 44 years, son of Bisheshwar Choudhary, residing at Berwari, P.O.-Childag, P.S.- Angara, District-Ranchi, PIN-835103.
11. Mr. Ashok Das, aged about 55 years, son of Shankar Das, residing at Chainpur, P.O.-Chainpur, P.S.- Chainpur, District-Palamu, PIN-822110.
12. Mrs. Mamta Kumari, aged about 44 years, wife of Late Ravi Kumar Mahto, residing at Hatia, P.O.- Hatia, P.S.-Jagarnathpur, District-Ranchi, PIN-834003.
13. Mr. Ram Prakash Toppo, aged about 58 years, son of Bishwanath Toppo, residing at Hatia, P.O.- Hatia, P.S.-Jagarnathpur, District-Ranchi, PIN-834003.
14. Mr. Md. Buland Akhtar Ansari, aged about 38 years, son of Md. Qasim Ansari, residing at Kumhar Toli,

P.O.-Doranda, P.S.- Doranda, District-Ranchi, PIN-834002.

15. Mr. Ajit Kumar Bhagat, aged about 41 years, son of Late Budhram Bhagat, residing at Harmu, P.O.-Doranda, P.S.-Argora, District-Ranchi, PIN-834002.
16. Mr. Shyam Sundar Yadav, aged about 41 years, son of Arjun Yadav, residing at Buchchi Tand, P.O.- Bagro, P.S.-Domchanch, District- Koderma, PIN-825418.
17. Mrs. Rani Toppo, aged about 45 years, wife of Manohar Oraon, residing at Harmu, P.O.- Doranda, P.S.- Argora, District-Ranchi, PIN-834002.
18. Mr. Satish Kumar, aged about 51 years, son of Shambhu Sharn Ram, residing at Dhurwa, P.O.-Dhurwa, P.S.-Jagarnathpur, District-Ranchi, PIN-834004.
19. Mr. Shariful Alam, aged about 48 years, son of Badiuzzaman, residing at Dhurwa, P.O.- Dhurwa, P.S.-Jagarnathpur, District- Ranchi, PIN-834004.
20. Mr. Anil Kumar, aged about 40 years, son of Nand Kishor Prasad, residing at Harmu, P.O.- Doranda, P.S.- Argora, District-Ranchi, PIN-834002.
21. Mrs. Sarita Devi, aged about 43 years, wife of Deepak Kumar, residing at Pundag (Thakur Tola), P.O.-Pundag. P.S.-Jagarnathpur, District-Ranchi, PIN-834004.
22. Mr. Ravindra Prasad, aged about 41 years, son of Jawahir Saw, residing at Narsinghpur Pathra, P.O.-Narsinghpur Pathra, P.S.-Chainpur, District-Palamu, PIN-822110.
23. Mr. Subhash Karmali, aged about 42 years, son of Laldhari Karmali, residing at Kedla (Bhalgadha), P.O.-Kedla, P.S.-Mandu, District-Ramgarh, PIN-825325.

...Petitioners

Versus

1. The State of Jharkhand, represented through the Chief Secretary, Project Building, Dhurwa, P.O.-Dhurwa, P.S.-Jagarnathpur, District- Ranchi, PIN-834004.
2. The Secretary, Jharkhand Vidhan Sabha Secretariat, Dhurwa, P.O.- Dhurwa, P.S.- Jagarnathpur, District-Ranchi, PIN-834004.
3. The Deputy Secretary, Jharkhand Vidhan Sabha Secretariat, Dhurwa, P.O.- Dhurwa, P.S.-Jagarnathpur, District-Ranchi, PIN-834004.

...Respondents

With

Cont. Case (Civil) No. 149 of 2026

1. Mrs. Nandi Kumari, aged about 55 years, wife of Ram Prakash Toppo, residing at Hatia, P.O.- Hatia, P.S.-Jagarnathpur, District-Ranchi, PIN-834003.

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...Petitioners

Versus

1. The State of Jharkhand.
2. The Secretary, Jharkhand Vidhan Sabha Secretariat, Dhurwa, P.O.- Dhurwa, P.S.- Jagarnathpur, District-Ranchi, PIN-834004. ..Opposite parties

CORAM: **HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner(s) : Mr. Ajit Kumar, Sr. Advocate
Mr. Akash Ajit Kumar, Advocate
For the Resp.-State : A.C to S.C.-II
For the Resp.-JVS : Mr. Anil Kumar, Advocate

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C.A.V. ON 16.09.2026 **PRONOUNCED ON 25/09/2026**

The writ petition has been preferred by the petitioners for the following reliefs:

> ***a.****For issuance of appropriate writ(s)/order(s)/direction(s) particularly in the nature of mandamus, commanding the respondents to allow the petitioners to continue on their promotional post of Junior Secretariat Assistant (कनीय सचिवालय सहायक) with all consequential benefits, in continuation of the departmental order dated 03.10.2025 considering the fact that the petitioners cannot be reduced in rank or post in utter violation of Article 311 (2) of the*

Constitution of India which the respondents have not adhered to.

b.*For issuance of appropriate writ(s)/order(s)/direction(s) particularly in the nature of Certiorari quashing the letter dated 13.10.2025 (Annexure-8), whereby and whereunder, the respondents have ordered to cancel the competitive examination dated 14.09.2025 although pursuant to the result published on 16.09.2025 (Annexure 5), promotion order issued on 03.10.2025 (Annexure - 6) and the petitioners having joined on 03.10.2025, the decisions have already been acted upon and nothing in fact remains to annul or cancelled, moreover, the said letter dated 13.10.2025 is otherwise also non-est, without jurisdiction and void.*

2. The fact of the case lies in a narrow compass. The petitioners are Grade-IV employees working under the Jharkhand Vidhan Sabha Secretariat, governed by the *Jharkhand Vidhan Sabha (Recruitment and Conditions of Service) Rules, 2003* and the *Amendment Rules, 2017*. By virtue of Rule 5 of the Rules, 2017, an information letter dated 29.08.2025 (Annexure-3), was issued for conducting a competitive examination for promotion to the post of Junior Secretariat Assistant (कनीय सचिवालय सहायक), against 50% of the sanctioned posts earmarked for Grade-IV employees. Thereafter, the petitioners were called to collect their admit cards vide letter dated 11.09.2025 (Annexure-4 series), and the examination was duly conducted on 14.09.2025. The result was published on 16.09.2025, wherein the petitioners were declared qualified (Annexure-5). Consequently, by departmental order dated 03.10.2025, the petitioners were deemed to have been appointed/promoted from the date of their joining to the post of Junior Secretariat Assistant in the pay scale of Rs. 5200-20200

with Grade Pay of Rs. 1900/-, and their seniority was fixed on the basis of marks obtained in the examination (Annexure-6). In pursuance thereof, the petitioners submitted their joining dated 03.10.2025 and started discharging duties on the promotional post, and their joining letters were duly submitted before the authorities (Annexure-7 series).

However, after the entire process had been completed and the petitioners had already joined and started working on the promotional posts, the Deputy Secretary, Jharkhand Vidhan Sabha Secretariat issued an information letter dated 13.10.2025 cancelling the competitive examination held on 14.09.2025 on the vague ground of "technical reasons" (Annexure-8). The cancellation was made without issuing any prior notice, show-cause, charge, or opportunity of hearing to the petitioners, although their rights had already crystallised pursuant to declaration of result, issuance of promotion order and acceptance of joining.

As a consequence of the impugned cancellation, the petitioners have been reverted from the promotional post of Junior Secretariat Assistant to their earlier Grade-IV posts, which amounts to reduction in rank without following the safeguards under Rule 11 and Rule 12 of the Rules, 2017 and Article 311 of the Constitution of India.

The petitioners have also submitted representations before the concerned authorities seeking reasons for the

cancellation and continuance on the promotional post, but no effective relief has been granted to them (Annexure-9 series).

3. Ld. Sr. Counsel for the petitioners has made the following submissions:

(i) Once the respondents conducted the competitive exam to the post of Junior Secretariat Assistant, and the petitioners became successful vide result dated 16.09.2025, and pursuant thereto the order dated 03.10.2025 appointing them on the said promotional post; then the impugned order is null and void.

(ii) Once the process had culminated into appointment and joining, the petitioners acquired a crystalized and vested right in their promotional post.

(iii) Even though the examination was conducted for 97 marks, the same was uniform for all candidates and no complaint from either side has been brought on record and no candidate got advantage/disadvantage by such inadvertence.

(iv) The minimum criteria of 40% has duly been complied which is apparent from Annexure-B read with Annexure-D.

Accordingly, it has been submitted by Ld. Sr. Counsel that the action of the respondents is *non- est* in the eye of law.

4. Ld. Counsel for the respondents made following submissions:

(i) While referring Annexure G of the Counter-Affidavit it has been submitted that the cancellation of the

competitive examination held on 14.09.2025 was valid, justified and lawful, as the written examination, which was required to be conducted for a total of 100 marks, was in fact conducted only for 97 marks, thereby creating a serious technical irregularity in the examination process.

(ii) Since the examination was not conducted strictly in accordance with the notified marking structure, the sanctity and legality of the entire process stood vitiated, warranting cancellation of the examination.

(iii) The appointment/promotion order dated 03.10.2025 did not create any indefeasible or vested right in favour of the petitioners, particularly when the very examination process based on which such promotion was granted suffered from a fundamental defect.

(iv) The cancellation was done on account of technical reasons and in the interest of maintaining fairness, uniformity and transparency in the promotion process, and therefore the petitioners cannot claim continuance on the promotional post of Junior Secretariat Assistant merely on the basis of the result and consequential order issued prior to detection/consideration of the said defect.

5. Having regard to the aforesaid facts and circumstances of the case, the entire action of the respondents in cancelling the competitive examination dated 14.09.2025 after declaration of result, issuance of promotion order and

acceptance of joining of the petitioners is wholly arbitrary, illegal and unsustainable in law for the following reasons:-

(i) The respondents conducted the competitive examination for promotion to the post of Junior Secretariat Assistant, declared the petitioners successful vide result dated 16.09.2025. Further, issued departmental order dated 03.10.2025 appointing/promoting the petitioners on the said promotional post and also accepted their joining and permitted them to discharge duties from 03.10.2025 to 13.10.2025.

(ii) Once the process had culminated into appointment and joining, the petitioners acquired a crystallized and vested right on their promotional post, which could not have been taken away by a subsequent cancellation order dated 13.10.2025 on the vague and unexplained ground of "technical reasons".

(iii) The sole ground that has been projected by the respondents, namely that the examination was required to be conducted for 100 marks but was conducted for 97 marks, cannot be treated as a valid ground for cancellation of the entire examination process.

(iv) Though the examination was conducted for 97 marks, the same was uniform for all candidates and no candidate was either advantaged or disadvantaged by such alleged inadvertence. The said discrepancy, if any, was entirely attributable to the department and not to the petitioners,

who had no role whatsoever in the conduct, framing or administration of the examination.

(v) The respondents were also aware of the examination being conducted for 97 marks, which is evident from the result itself, and therefore such alleged defect cannot be said to go to the root of the selection process so as to nullify the entire examination after appointments had already been made.

(vi) The Rules governing the field do not prescribe any fixed total marks for the written examination, and as such, the respondents cannot contend that conducting the examination for 97 marks instead of 100 marks rendered the entire process void; especially when the same was uniform for every candidates and no complaint, whatsoever, was made by any of the candidates which has been brough on record by the respondents.

The respondents in paragraph- 10 of their Counter-Affidavit, themselves have conceded that the Rules do not provide for any fixed total marks and that the marks were decided only by the Assembly Secretariat.

Therefore, in the absence of any statutory prescription, the alleged variance of marks cannot be elevated to a mandatory illegality warranting wholesale cancellation of the examination, particularly when there is no allegation of malpractice, unfair means, irregularity or taint against any of the petitioners.

(vii) As per the law laid down by the Hon'ble Apex Court in ***Tej Prakash Pathak & Ors. v. High Court of Rajasthan & Ors.*** [1] any deviation in the selection process needs to stand the test of non-arbitrariness under Article 14 of the Constitution of India. In the present case, the instance of examination process being conducted for 97 marks, was uniformly applied to each candidate and in absence of Rules prescribing maximum marks, the deviation could not be held be in violation of Rules, therefore, satisfying the test of non-arbitrariness under Article 14 of the Constitution of India.

(viii) On the issue of deviations in the selection process was dealt with in the case of ***Tajvir Singh Sodhi & Ors. v. State of Jammu and Kashmir & Ors. (2023) 17 SCC 147, (Para-45 & 51),*** whereby the whole selection process was set-aside due to non-availability of individual rolls, the requirement of which was not in the rules.

The Hon'ble Apex Court held in that case that the irregularity therein was not grave or arbitrary as to justifying quashing of the entire examination process.

(ix) The appointment/promotion order dated 03.10.2025 was not a mere selection list but an order conferring appointment/promotion upon the petitioners from the date of joining. The petitioners, except one who was on approved leave (joining was accepted w.e.f. 21.10.2025), submitted

[1] ***(2025) 2 SCC 1,***

their joining on 03.10.2025 itself and actually worked on the promotional post.

Therefore, the contention of the respondents that no vested right accrued in favour of the petitioners is wholly misconceived.

(x) A recruitment or promotional process concludes once appointments are made and acted upon, and any subsequent cancellation of the examination cannot automatically unsettle appointments already made, particularly in the absence of fraud, misrepresentation or misconduct attributable to the appointees.

It is further to be noted that the respondents in Paragraph- 17 of their Counter-Affidavit, concede to the fact that appointment/promotion orders had been issued in favour of the petitioners. Hence, the contention that the petitioners do not have a vested right against their promotional posts, has no basis to stand.

(xi) The consequential action of sending the petitioners back to their erstwhile Class-IV posts after their valid promotion to the post of Junior Secretariat Assistant amounts to reduction in rank within the meaning of *Rule 11(iii)* of the *Jharkhand Vidhan Sabha (Recruitment and Conditions of Service) Amendment Rules, 2017*; however, such reduction in rank could not have been affected without complying with the mandatory safeguards under Article 311(2) of the Constitution of India.

Admittedly, no notice, show-cause, charge-sheet, enquiry or opportunity of hearing was afforded to the petitioners before taking the impugned action, although the impugned action visited them with serious civil consequences affecting their status, rank and promotional benefits. Recently, the Hon'ble Apex Court in ***Debashish Mohapatra & Ors. v. District and Session Judge SLP (Civil) No. 15383/2025,*** examined the question as to whether the termination of the services of the appellants, who had attained confirmed status in service, without any enquiry, is violative of the safeguards enshrined under Article 311 of the Constitution of India. The conclusion of the Hon'ble Apex Court is contained in paragraph 30 as reproduced below:

> *"30. Before parting, we may note that no allegation of fraud, misrepresentation, or mala fides has been levelled against the appellants. They merely participated in the recruitment process, were selected on merit, and appointed by the competent authority. The alleged irregularity, if any, is attributable to the appointing authority and not to the appellants. Having served for several years, acquired experience, and been confirmed in service, it would be wholly inequitable to penalise them for an act in which they had no role. In the absence of any wrongdoing on their part, we see no justification for depriving them of their employment.*

6. The case of the petitioners in the present case is at a better footing in comparison to the facts in ***Debashish Mohapatra (supra).*** The factum of illegality in appointment is non-existent considering the fact that the respondents themselves contend in paragraph- 15 of their Counter-affidavit that the examination was conducted without any complaint of irregularity or malpractice. As such, the petitioners cannot be

penalized for alleged technical lapses entirely attributable to the respondents.

The principle of fairness in administrative action mandates that innocent candidates who have participated in a uniform process and have been declared successful on merit cannot be made to suffer for an inadvertent error committed by the authorities themselves. The impugned cancellation, therefore, is arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India, apart from being contrary to the doctrines of natural justice, legitimate expectation and proportionality.

7. At this stage, it would be profitable to refer to the judgment rendered by High Court of Chhattisgarh in the case of ***Khushbu Devangan v. Principal Judge, Family Court and analogous case*** [2] **,** wherein it has been held that every irregularity in a recruitment process does not necessarily vitiate the entire selection unless it is shown that such irregularity has caused real prejudice to the candidates. For ready reference, the relevant para is quoted hereinbelow:

> "30. *The law is well settled that every irregularity in a recruitment process does not necessarily vitiate the entire selection unless it is shown that such irregularity has caused real prejudice to the candidates. In the present case, the respondents have not been able to establish that the reduction of marks from 100 to 97 has caused any specific prejudice to any candidate. On the contrary, the total marks remained the same and the modified scheme of examination was uniformly applied to all candidates. In such circumstances, the contention raised by the petitioners that the entire selection process deserves to be set aside merely on account of*

[2] 2026 SCC OnLine CHH 6983

> *modification in the pattern of the written examination cannot be accepted."*

8. In view of the aforesaid discussion, this Court is having no hesitation in holding that the petitioners are entitled to continuance of service in their promotional post of Junior Secretariat Assistant (कनीय सचिवालय सहायक) from the date of their joining on 03.10.2025 (from 21.10.2025 in the case of petitioner no. 17) with all consequential benefits, as they have already been promoted and joined pursuant to the order dated 03.10.2025, and cannot be reduced in rank without compliance with Article 311(2) of the Constitution of India.

9. Accordingly, the letter dated 13.10.2025 cancelling the examination, after declaration of results and implementation of the promotion orders, is arbitrary, without jurisdiction, *non est* and liable to be quashed, and is, hereby, quashed and set aside.

10. The concerned respondent is directed to issue formal order of consequential benefits within a period of 8 weeks from the date of receipt/production of copy of this order.

11. As a result, the instant writ petition stands allowed. Pending I.A., if any, also stands closed. However, there shall be no order to cost.

12. So far as the contempt application being Cont. Case (Civil) No.149 of 2026 is concerned, the same is also

closed with the liberty to the petitioner to revive if the Writ Court's direction is not complied with within stipulated period as indicated herein above.

(Deepak Roshan, J.)

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Uploaded on
01/10/2026
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