

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 1158 of 2022

Chand Murmu, S/o Bhairo Murmu & Others

----- **Petitioner(s)**

Versus

The State of Jharkhand & Others

----- **Respondent(s)**

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CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Sourav Arun, Advocate

For the Respondent(s) : Mr. Devesh Krishna, S.C. (Mines)-III

Mr. Faisal Allam, AC to S.C. (Mines)-III

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13 / 20.08.2025: It has been submitted that the recommendation in favour of the petitioner Nos.1, 2 and 3 has already been forwarded by the respondents.

2. So far as petitioner No.4 is concerned, it has been submitted that since he has not passed the language examination, he is not entitled for the benefit of ACP/MACP.

3. In this context, I am inclined to refer to the judgment of the Hon'ble Supreme Court in the case of *Amresh Kumar Singh & Others Etc. Etc. vs. The State of Bihar & Others Etc. Etc.*, reported in 2023 (2) PLJR (SC) 423 wherein, it has been held that in situ promotion under the ACP schemes educational qualification required for promotions are not essential. Since this type of promotions are only upgradation of the pay-scale, it is not necessary to pass examinations, which are normally necessary to get the general promotions.

4. Considering the aforesaid facts, this case is adjourned for three weeks, to enable the respondents to inform this Court about the status of the recommendation, which was made in respect of petitioner Nos.1 to 3.

5. It is further directed to the respondents to recommend the name of petitioner No.4 for grant of the same benefit, if he is otherwise eligible. The non-passing of language examination will not come the way of respondent to forward the claim of the petitioners.

6. Any notification issued by the State will not override the judgment of the Hon'ble Supreme Court.

(ANANDA SEN, J.)