

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S). No. 2438 of 2026

Deepak Kumar Mehta, son of late Baldeo Mahto, aged about 43 years,
resident of Qrts. No. 1968, A-Road, Sector 9D, P.O. & P.S. Bokaro Steel
City, Dist. Bokaro, Jharkhand. **Petitioner**

Versus

1. The State of Jharkhand.
2. The Principal Secretary, Department of Personnel, Administrative Reforms and Rajbhasha, having its office at Project Building, Dhurwa, P.O. & P.S. Dhurwa, Dist. Ranchi.
3. The Deputy Commissioner, Bokaro-cum-Chairman, District Compassionate Appointment Committee, Bokaro, P.O. & P.S. Bokaro, Dist. Bokaro.
4. The Deputy Collector (Est.), Bokaro, P.O. & P.S. Bokaro, Dist. Bokaro.
5. The District Education Officer, Bokaro, P.O. & P.S. Bokaro, Dist. Bokaro. **Respondents**

With

W.P.(S). No. 2960 of 2026

Amardeep Kumar Mahto, son of late Rajendra Prasad Mahto, aged about
40 years, resident of Balrampur, Tula-Nandutad, P.O. Gangjori, P.O.
Janidih, Dist. Bokaro, Jharkhand. **Petitioner**

Versus

1. The State of Jharkhand.
2. The Principal Secretary, Department of Personnel, Administrative Reforms and Rajbhasha, having its office at Project Building, Dhurwa, P.O. & P.S. Dhurwa, Dist. Ranchi.
3. The Deputy Commissioner, Bokaro-cum-Chairman, District Compassionate Appointment Committee, Bokaro, P.O. & P.S. Bokaro, Dist. Bokaro.
4. The Establishment Deputy Collector, Bokaro, P.O. & P.S. Bokaro, Dist. Bokaro.
5. The District Education Officer, Bokaro, P.O. & P.S. Bokaro, Dist. Bokaro. **Respondents**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioners : Ms. Rinku Bhakat, Advocate
For the Respondents : Mr. Rahul Saboo, GP-II
Mr. O.P. Tiwari, GP-III

06/ 07.08.2026 Heard the parties.

2. The petitioners in both the cases have prayed for following reliefs:

- a) For quashing the memo dated 15.01.2026 (Annexure-13), whereby the claim of petitioner for modifying the order of compassionate appointment from Class-IV to Class-III post has been rejected though in case of similarly situated persons, the respondents have modified their order of compassionate appointment and placed them under Class-III category.
 - b) The petitioner has further prayed that after quashing the order, place the petitioner in Class-III post and fix the salary as per the pay-scale of Lower Division Clerk since 20.12.2006
3. This case was heard on several occasions and vide order dated 18.06.2026 this Court has directed the respondents to file a specific affidavit. For brevity, the order dated 18.06.2026, passed in *W.P.(S). No. 2438 of 2026*, is extracted herein below:

“04/18.06.2026 The grievance of the petitioner is that though three similarly situated persons, namely, Sunita Soren, Navin Kumar and Uday Chandra Prakash, who were initially appointed on compassionate ground to Class-IV post, however, subsequently they were converted to Class-III post. This specific averment has been made in paras-12, 14 and 20 of writ petition.

2. However, on this specific averment with regard to parity no reply has been filed by the respondents.

3. Accordingly, learned counsel for the respondents is directed to seek instruction and come prepared on the next date of hearing.

4. List on 25.06.2026.”

4. Thereafter, the case was posted on 02.07.2026 and an adjournment was given for filing supplementary counter-affidavit.
5. Today, a supplementary counter-affidavit has been filed, however, the specific stand of the petitioner on parity has not been answered, inasmuch as, vide order dated 18.06.2026, this Court directed the learned counsel for the respondents to seek instructions on the specific averments made in paras-12, 14 and 20 of the writ application.
6. Though a supplementary counter-affidavit has been filed containing 40 pages, however, learned counsel for the respondents failed to point-out any paragraph/averment whereby it has been

shown that the same has been denied.

7. At the cost of repetition, when this Court has specifically asked the respondents to reply on the specific averments with regard to parity, the same has been ignored; rather, cleverly by-passed. This itself shows that the action of the respondents in not modifying the order of appointment of petitioners in Class-III post is not in accordance with law solely on the ground of parity.
8. The specific averments made in paras-12, 14 and 20 of the writ application; which are not controverted, deemed to be admitted.
9. Accordingly, on the aforesaid ground, this Court does not feel any hesitation in issuing *mandamus* to the concerned respondents to modify the order appointment of these petitioners from Class-IV to Class-III.
10. *Per se*, the impugned order dated 15.01.2026, is hereby, quashed and set aside. The respondents are directed to modify the order of appointment of these petitioners from Class-IV to Class-III post and pay all consequential benefits, in accordance with law. The entire exercise shall be completed within a period of 12 weeks from the date of receipt/production of a copy of this order.
11. Accordingly, both these applications stand allowed.

(Deepak Roshan, J.)

7th August, 2026

Kunal/-

Uploaded on 25.08.2026