

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No.1494 of 2022

Sanjay Kumar Jha, son of Late Krishna Chandra Jha, resident of Brahmaputra Apartment (Second floor), Shukla Colony, Hinoo, P.O. and P.S. Doranda, District Ranchi, Jharkhand.

... .. **Petitioner**

Versus

1. The State of Jharkhand.
2. Chief Secretary, Government of Jharkhand, 1st Floor, Project Building, Dhurwa, P.O. & P.S. Jagarnathpur, District Ranchi, Jharkhand.
3. Secretary, Drinking Water and Sanitation Department, Government of Jharkhand, having office at Nepal House, P.O. & P.S. Doranda, District Ranchi, Jharkhand.
4. Joint Secretary, Drinking Water and Sanitation Department, Government of Jharkhand, having office at Nepal House, P.O. & P.S. Doranda, District Ranchi, Jharkhand.
5. Engineer-in-Chief, Drinking Water and Sanitation Department, Government of Jharkhand, having office at Nepal House, P.O. & P.S. Doranda, District Ranchi, Jharkhand.
6. Raghu Nandan Prasad Sharma, presently posted as Engineer-in-Chief, Drinking Water and Sanitation Department, Government of Jharkhand, having office at Nepal House, P.O. & P.S. Doranda, District Ranchi, Jharkhand.

... .. **Respondents**

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Rakesh Kr. Roy, Advocate
 For the Respondent(s): Mr. Gaurav Raj, AC to AAG-II

16/ 22.01.2026

By filing this writ petition, the petitioner has prayed for the following reliefs:-

- a) *For issuance of a writ in the nature of 'Certiorari' for quashing and setting aside the part of Notification dated 11.03.2022 (Annexure-4), which relates to the promotion/posting of the Resp. No. 6 as 'Engineer in Chief (Acting)', Drinking Water and Sanitation Department, Govt. of Jharkhand vide Notification No.1/T.-01-1014/2007/1325; in complete violation of the settled principles of law and also by*

superseding the petitioner who happens to be the senior most personnel amongst other personnels working in the said department, having an unblemished service record and in all aspects better than the respondent no. 6, to hold the said post.

And/Or

- b) For further direction upon the respondent authorities to consider the case of the petitioner for promotion on the post of 'Engineer in Chief', Drinking Water and Sanitation Department, Govt. of Jharkhand; as the petitioner is the senior most personnel amongst others, and is fit for promotion on the said post, in all aspects.*

And/Or

- c) To hold and declare that the promotion/appointment of the Resp. No. 6 as Engineer in Chief (Acting), Drinking Water and Sanitation Department, Govt. of Jharkhand, is illegal and arbitrary in as much the said promotion/posting of the Resp. No. 6, superseding the petitioner, without any special reason to that effect, is illegal and arbitrary and also in teeth of the constitutional provisions of Art. 14 & 16.*

And/Or

- d) To hold and declare that the petitioner has been made the prey of favouritism and bias, in as much the respondents have intentionally favoured and promoted the junior of the petitioner (Resp. No.6), who is not a man of impeccable character, and has been alleged of being involved in misappropriation of huge govt. funds in past, and was also held guilty by the different 'Joint Enquiry Committees' (enquiry reports annexed). On the contrary, the petitioner has an unblemished service career, save and except, a punishment of 'censure'*

being illegally and arbitrarily imposed upon him in the fag end of his service career, with an only motive to debar him from promotion and to favour the respondent no. 6.”

2. Heard learned counsel representing the petitioner and learned counsel representing the respondents.

3. The facts of the case are as follows:-

3.1. The petitioner joined the service in the Engineering Service Cadre as Assistant Engineer on 15.07.1987 in the Erst While State of Bihar.

3.2. Thereafter, he was allotted the Jharkhand Cadre and was posted in the Drinking Water and Sanitation Department, Government of Jharkhand, and was granted regular promotion on the post of Executive Engineer w.e.f. 15.11.2000.

3.3. The petitioner was granted promotion to the post of Acting Chief Engineer w.e.f. 18.06.2020 and subsequently he was confirmed on the post of Chief Engineer in the Drinking Water and Sanitation Department, Government of Jharkhand, w.e.f. 01.10.2020.

3.4. On 27.10.2021, this petitioner was served with a notice, issued under the signature of Secretary to the Government of Jharkhand, to show cause as to why not his one increment with non-cumulative effect be deducted for his laxity and dereliction of duty in the Government work. In the said show cause notice, on counselling of the JJM Scheme of the Government of India, it was alleged that the petitioner being the Chief Engineer, in spite of knowing that the JJM Scheme is an ambitious Plan of the Government of India, did not

properly monitor and supervise the said Scheme, resulting in poor progress of the same.

3.5. The petitioner replied to the aforesaid show cause notice, which was considered.

3.6. Thereafter, a Notification as contained in Memo dated 14.12.2021 was issued by the respondents, whereby a punishment of "censure" was imposed upon the petitioner.

3.7. Against the aforesaid punishment, the petitioner had preferred a writ petition before this Court vide W.P.(S) No.1177 of 2022, which has also been dismissed by this Court.

4. Admittedly, the petitioner has already superannuated.

5. Now, the petitioner is praying for promotion to the post of Engineer-in-Chief i.e. the post which he cannot hold in view of judgment of the Hon'ble Supreme Court rendered in the case of ***State of Bihar & Ors. Vs. Akhoury Sachindra Nath & Ors.*** reported in ***(1991) Suppl. (1) SCC 334***, wherein it has held that retrospective seniority cannot be given to an employee from a date when he was not even borne in the cadre, nor can seniority be given with retrospective effect as that might adversely affect others.

6. Further, the Hon'ble Supreme Court in its very recent judgment in the case of ***Government of West Bengal & Ors. Vs. Dr. Amal Satpathi & Ors.*** reported in ***(2024) SCC OnLine SC 3512***, has held that it is a well settled principle that promotion becomes effective from the date it is granted, rather than from the date a vacancy arises or the post is created. While the Courts have recognized the right to be considered for promotion as not only a

statutory right but also a fundamental right, there is no fundamental right to the promotion itself.

7. Further, there is also an order of punishment against the petitioner.

8. Thus, no relief can be granted to the petitioner.

9. With the aforesaid observations, this writ petition stands **dismissed.**

(ANANDA SEN, J.)

22nd January, 2026
Prashant. Cp-2

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