

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (S) No. 654 of 2018

Satyadeo Mohan Ghosh **... Petitioner**

Versus

The State of Jharkhand & Ors. **... ... Respondents**

with

W.P. (S) No. 2984 of 2016

Naseem Ali & Ors. **... Petitioners**

Versus

The State of Jharkhand & Ors. **... ... Respondents**

with

W.P. (S) No. 3027 of 2016

Ashok Kumar Roy & Ors. **... Petitioners**

Versus

The State of Jharkhand & Ors. **... ... Respondents**

with

W.P. (S) No. 3031 of 2016

Pradip Kumar Gupta & Ors. **... Petitioners**

Versus

The State of Jharkhand & Ors. **... ... Respondents**

with

W.P. (S) No. 5726 of 2017

Sanat Kumar **... Petitioner**

Versus

The State of Jharkhand & Ors. **... ... Respondents**

with
W.P. (S) No. 8 of 2018

Diploma Engineers Association, Jharkhand through its
General Secretary Shekhar Kumar **... Petitioner**

Versus

The State of Jharkhand & Ors. **... Respondents**

with
W.P. (S) No. 2189 of 2018

Shyam Das Singh **... Petitioner**

Versus

The State of Jharkhand & Ors. **... Respondents**

Coram:HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE ARUN KUMAR RAI

For the Petitioner(s): Mr. Jitendra Singh, Sr. Advocate
Mr. A.K. Sahani, Advocate
Ms. Amrita Sinha, Advocate
Mr. Yash Singh, Advocate

For the JPSC : Mr. Sanjoy Piprawall, Advocate
Mr. Prince Kumar, Advocate
Mr. Jay Prakash, Advocate
Mr. Rakesh Ranjan, Advocate

For the State : Mr. Shray Mishra, A.C. to A.G.

For the JESA : Mr. Krishna Murari, Advocate
Mr. Ritesh Kr. Pathak, Advocate
Mr. Raj Vardhan, Advocate

Order No.47/Dated: 13.10.2025

1. The batch of writ petitions involves the validity of Jharkhand Engineering Service Rules, 2016 which has been enacted in supersession to the Bihar Engineering Service Rules, 1939.

2. One interim order was passed on 17th August, 2017 and when the matter was being heard, then the learned Advocate General has submitted that the Government is proposing again to amend the 2016 Rule, which has been referred in the order dated 28th April, 2025.

3. The matter when was posted on 17th June, 2025, it has been brought to the notice of this Court that the new Rule has been approved by the Departmental Minister and it is placed before the concerned Department. Subsequent thereto, it has been brought to the notice of this Court, as has been referred in the order dated 04th August, 2025, that the matter has been reported to be sent to the Jharkhand Public Service Commission for its advise/opinion. As such, this Court vide order dated 04th August, 2025 has impleaded the Jharkhand Public Service Commission through its Secretary as party to the proceeding with a direction to seek instruction as to under what shortest possible time, the opinion which has been sought on the issue of formation of Rule, be communicated to the State.

4. The Jharkhand Public Service Commission by filing an affidavit on 08th August, 2025, as taken note in the order dated 12th August, 2025, has sought for one week's time for giving opinion of the aforesaid draft Rule after receipt of the same from the State.

5. It appears from the order dated 04th September, 2025 that some rectification is required by the State in the draft Rule and, as such, the same was sent to the State Government. The State Government has rectified the same and again sent it to the Jharkhand Public Service Commission, as taken note in the order dated 15th September, 2025.

6. Learned Advocate General appearing for the State on that date has submitted that all efforts will be taken to bring on record the required amended Rule by way of an affidavit.

7. Mr. Shray Mishra, learned A.C. to A.G. has submitted orally seeking four weeks' time, as per the instruction.

8. No affidavit has been filed to that effect seeking modification of the order by way of extension of time which was required in view of the specific statement made by learned Advocate General, as taken note in the order dated 15th September, 2025.

9. The reason for referring the details of the above orders is that the matter is pending since 2018, Rule 2016 has been enacted in supersession to the 1939 Rule and again the Government has proposed to come out with a new Rule in supersession to the 2016 Rule. Thus, it is evident that the Recruitment Rule, which is lying for its consideration under the power of Judicial Review of the year 2016 and now almost 9 years has expired, but still we are on the stage of the day when the writ petition was filed.

10. This is on the basis of the decision which is being taken on behalf of the State and the effect is

that in absence of any Rule, the entire requirement/promotion came to stand still.

11. This Court fails to understand that how the State is functioning in absence of any specific Rule by denying the promotion to one or the other Engineers belonging to different cadres.

12. Today, four weeks' time again has been sought for. The excuse has been given by the learned State counsel that it is for the purpose of getting approval in the different Departments, thereafter, it will be sent to the Cabinet.

13. This Court, in the aforesaid backdrop, is of the view that the State Government is not taking sincere endeavour inspite of the specific submission made to that effect by the learned Advocate General to bring the final Rule on record, as has been taken note in the order dated 15th September, 2025.

14. This Court, therefore, is of the view that the State for one reason or the other is delaying the matter reasons best known to the State.

15. This Court is further of the view that it is nothing, but the lethargic approach of the State. However, in the midst of proceeding, learned State counsel has got the telephonic instruction and as per the instruction received, the time has been sought for upto 06th November, 2025 for final approval of the Rule and to bring it on record by way of an affidavit.

16. This Court, before passing the further necessary order, is adjourning the matter by granting time upto 06th November, 2025, by way of last indulgence.

17. List these matters on 13th November, 2025.

(Sujit Narayan Prasad, J.)

(Arun Kumar Rai, J.)

Dated: 13th October, 2025
Rajnish/R.K.