

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 191 of 2026

Shaikh Manour Ali aged about 60 years, Son of Late Shaikh Hasan Ali, Resident of Mohalla- Sonepurwa, PO & PS-Garhwa, District-Garhwa, Jharkhand.
... .. Petitioner(s)

Versus

1. The State of Jharkhand.
2. Additional Chief Secretary, Department of Health, Family Welfare and Medical Education, Government of Jharkhand, Office at Doranda, PO & PS-Doranda, District-Ranchi.
3. Secretary, Department of Personnel, Administrative Reforms and Rajbhasha, Govt. of Jharkhand, PO & PS-Dhurwa, District-Ranchi.
4. Director in Chief, Health Services, Department of Health, Family Welfare and Medical Education, Govt. of Jharkhand, Office at Namkum, Po & PS-Namkum, District-Ranchi.
5. Regional Deputy Director, Health Services, Palamau Region, Office at Medininagar, Po & PS-Medininagar, District-Palamau.'
6. Civil Surgeon Cum Chief Medical Officer, Garhwa, PO & PS-Garhwa, District-Garhwa.
... .. Respondent(s)

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s)	:	Mr. S.T. Sajid, Advocate Mr. Saibal Mitra, Advocate
For the Respondent(s)	:	Ms. Komal Tiwary, AC to AG

02/ 19th January, 2026

1. Heard the parties.
2. The petitioner prays for retrospective promotion to the post of Head Clerk.
3. It is admitted that the petitioner has already superannuated in the year 2025. The petitioner superannuated from the post of Clerk. Now has approached this Court making a prayer that he should have been promoted to the post of Head Clerk from 22.03.2013 i.e., that date, according to him, he was eligible to be promoted.
4. The Hon'ble Supreme Court in the case "**Government of West Bengal and Others Versus Dr. Amal Satpathi and Others**" reported in **2024 SCC OnLine SC 3512**" at paragraph

No.21 has held as under:-

"21. While we recognize respondent No. 1's right to be considered for promotion, which is a fundamental right under Articles 14 and 16(1) of the Constitution of India, he does not hold an absolute right to the promotion itself. The legal precedents discussed above establish that promotion only becomes effective upon the assumption of duties on the promotional post and not on the date of occurrence of the vacancy or the date of recommendation. Considering that respondent No. 1 superannuated before his promotion was effectuated, he is not entitled to retrospective financial benefits associated to the promotional post of Chief Scientific Officer, as he did not serve in that capacity."

5. Considering the submission of the petitioner and the fact that as per him, he was entitled to be promoted in 2013 and he approached this Court after much delay in the year 2026 and admittedly, the petitioner cannot assume the charge of the post of Head Clerk, no benefit can be granted to the petitioner.

6. With the above observations, this writ petition stands **dismissed**.

(ANANDA SEN, J.)

19.01.2026
S.K.D., cp2

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