IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S). No. 6500 of 2025

Dr. Md. Sharifur Rahman, aged about 63 years, son of Raisur Rahman, resident of Amrapara, P.O. & P.S. Amrapara, Dist. Pakur (Jharkhand).

……. **Petitioner**

Versus

1. The State of Jharkhand through the Chief Secretary, Government of Jharkhand, having its Office at Project Building, Dhurwa, P.O. and P.S. Dhurwa, District Ranchi.
2. The Secretary, Department of the Schedule Caste, Schedule Tribe, Minority and Other Backward Classes, Welfare, Govt. of Jharkhand, having its office at Project Building, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi.
3. The Secretary, Department of Health, Medical Education and Family Welfare, Govt. of Jharkhand, having its office at Nepal House, Doranda, P.O. and P.S. Doranda, Dist. Ranchi.
4. The Secretary, Department of Planning and Finance, Govt. of Jharkhand, having its office at Project Building, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi
5. The Secretary, Department of Personnel, Administrative Reforms and Rajbhasha, Govt. of Jharkhand, having its office at Project Building, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi.

……. **Respondents**

CORAM: **HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner : Mr. Saurabh Shekhar, Advocate
For the Respondents : Mr. Anuj Burman, AC to GA-IV

06/ 03.11.2026 Heard the parties.

2. The instant application has been preferred by the petitioner for the following reliefs:

> *i. For issuance of appropriate writ (s), order (s), direction (s), specifically a writ in the nature of mandamus, commanding upon the respondents to enhance the age of superannuation from 65 years to 67 years, for the petitioner, who is an Ayush Medical Officer, presently employed in the department, headed by respondent no.2 (Welfare Department);*
>
> *ii. For issuance of appropriate writ (s), order (s), direction (s), specifically a writ in the nature of mandamus, commanding upon the respondents to enhance all consequential benefits, pursuant to the relief prayed in the first prayer;*

3. The grievance of the petitioner is that though law has been settled with regard to retirement age of AYUSH doctors which has

been extended from 65 years to 67 years, however, this petitioner has been denied the said benefit. He submits that at present the petitioner is working and going to superannuated on 30.11.2026, as such, at this stage itself this Court may direct the respondents not to superannuate this petitioner at the age of 65 years; rather, his retirement age should be when he attains the age of 67 years. Learned counsel further draws attention of this Court towards Annexure-8 and submits that issue has already been decided by this Court in W.P.(S). No. 2379 of 2025; as such, similar benefits may be granted to this petitioner.

4. Learned counsel for the respondents fairly submits that though counter-affidavit has been filed but he could not dispute the fact that the issue involved in W.P.(S). No. 2379 of 2025 and in the instant case, are same and similar.

5. Having regard to the above and after going through the documents available on record, it appears that the petitioner is an AYUSH doctor and he is made to retire on 30.11.2026 at the age of 65 years. However, in the case of W.P.(S). No. 2379 of 2025, it has been held by this Court that the age of retirement of AYUSH doctors is extended from 65 years to 67 years on the ground that the retirement age of Allopathic doctor has been extended from 65 years to 67 years.

6. For brevity, paras-5 to 9 of order passed in W.P.(S). No. 2379 of 2025 is extracted herein below:

> *5. Having heard learned counsel for the parties and after going through the documents available on record and the averments made in the respective affidavits, it appears that this court in W.P.(S) No. 209 of 2021 with analogous cases have dealt with these issues in detail. For brevity para 19 to 23 is quoted hereinbelow: -*
>
> > *"19. This court is of the opinion that the petitioners are right in contending that the age of superannuation from 60 to 65 years via resolution dated 08.01.2021, should be given effect to retrospectively from 23.07.2011; whereby and where under the Allopathic Doctors have been given the benefit of enhancement in the age of superannuation from 60 to 65 years. Denying them the benefits of increase in the age of superannuation from 60 to 65 years, for such prolonged years had violated their fundamental*

rights guaranteed under Article 14 of the Constitution of India as they have suffered unequal treatment and heavy loss due to non-increment in the age of their retirement. They have been forced to retire at the age of 60 years while the Central Health Services Doctors and Allopathic Doctors were enjoying the benefits of the increased retirement age which is highly discriminatory, unfair, unequal, unreasonable and against the principles of Natural Justice.

20. In this regard reference may be made in the case of North Delhi Municipal Corporation v. Dr. Ram Naresh Sharma & others, reported in (2021) 17 SCC 642, wherein it has been held in para-22 & 23 as under:

> *"The common contention of the appellants before us is that classification of AYUSIH doctors and doctors under CHS in different categories is reasonable and permissible in law. This however does not appeal to us and we are inclined to agree with the findings of the Tribunal and the Delhi High Court that the classification is discriminatory and unreasonable since doctors under both segments are performing the same function of treating and healing their patients. The only difference is that AYUSH doctors are using indigenous systems of medicine like ayurveda, unani, etc. and CHS doctors are using allopathy for tending to their patients. In our understanding, the mode of treatment by itself under the prevalent scheme of things, does not qualify as an intelligible differentia. Therefore, such unreasonable classification and discrimination based on it would surely be inconsistent with Article 14 of the Constitution. The Order of AYUSH Ministry dated 24-11-2017 extending the age of superannuation to 65 years also endorses such a view. This extension is in tune with the Notification of Ministry of Health and Family Welfare dated 31-5-2016." "The doctors, both under AYUSH and CHS, render service to patients and on this core aspect, there is nothing to distinguish them. Therefore, no rational justification is seen for having different dates for bestowing the benefit of extended age of superannuation to these two categories of doctors. Hence, the order of AYUSH Ministry [F. No. D. 14019/4/2016-E-I (AYUSH)] dated 24-11-2017 must be retrospectively applied from 31-5- 2016 to all the respondent doctors concerned, in the present appeals. All consequences must follow from this conclusion."*

In light of the aforesaid judgement of the Hon'ble Apex Court; whereby it has upheld the judgment of the Delhi High Court that the classification being made between the Allopathic and Ayush Doctors, is discriminatory and unreasonable since doctors under both the segments perform the same function of treating and healing their patients.

21. Thus, the differential treatment that had been accorded to the Ayurvedic Doctors in the present case for such a long duration, i.e. from 2011 to 2021, is highly arbitrary and discriminatory as it has deprived them the benefits of increased age of retirement. There is no proper justification, in the eyes of law, provided by the respondent authorities so as to support their case as to why the Ayurvedic Doctors have not been granted the benefits of age enhancement for such a long period of time

despite of various circulars and resolutions of the Central Government and of the State of Jharkhand itself, having notified that, both Allopathic and Ayurvedic Doctors should be treated at par.

22. Bearing in mind these facts, judgements cited, submissions made and contentions raised, it is apparent on the face of it that the respondent authorities have acted in an illegal and arbitrary manner due to which the petitioners have suffered heavy loss of retirement benefits. And even when they passed the resolution on 08.01.2021 enhancing the retirement age; these petitioners have already retired prior to 2021. Hence, the petitioners could not claim the benefits as the resolution was given effect to prospectively. This has indeed not served the purpose of justice and equity and has gravely violated their fundamental right to equality under Article 14 of the Constitution of India.

23. Having regard to the aforesaid discussions, it is held that the resolution dated 08.01.2021, should be given effect to retrospectively from the date the Allopathic Doctors were given the benefit of enhancement of age from 60 to 65 years; which will give the petitioners their due right to claim the benefits of increased age of superannuation from 60 to 65 years and undo the injustice that has been done to them for so long."

6. After going through the aforesaid judgment, the only difference is factual in nature, inasmuch as, in the said case the Petitioners came for enhancement of retirement age from 60 to 65 years and in the instant case now they have pleaded for extension of age from 65 to 67 years on the ground that the retirement age of Allopathy Doctors has been extended from 65 to 67 years.

It further appears that the judgment relied upon the by the Respondents i.e. Dr. P.P. Bhatt (supra), it appears that the same is not applicable in the instant case which would be evident from the very recital of para 20 of the said judgment. The fact in case of Dr. P.P. Bhatt (Supra) was with regard to pay fixation and the pay scale etc. and the same has been deliberated by the Hon'ble Apex court in para 20. For brevity, para 20 is quoted hereinbelow: -

> *"20. In any case, the question of age of retirement stands on a different footing from the service conditions relating to pay and allowances and revision of pay. Therefore, we do not think that the issue raised in these appeals can be said to be covered by the decision in Ram Naresh Sharma [North Delhi Municipal Corpn. v. Ram Naresh Sharma, (2021) 17 SCC 642]."*

7. Interestingly, on the last occasion when this Court has directed to enhance the age of superannuation of Ayush Doctors from 60 to 65 years as that of Allopathy Doctors; the Government has implemented by respective notifications and at present the retirement age of AYUSH Doctor is 65 years. As aforesaid, the grievance of the Petitioners is now for extension of retirement age from 65 to 67 years on the same and similar reason that the style of treatment of both the Doctors might be different but both are treating their patients for ultimate relief. As aforesaid, in the case of Dr. R. Naresh (supra) it has been held that the only difference between the AYUSH Doctors and the CHS Doctors are that the former is using indigenous systems of medicine like Ayurveda, Unani, etc. and later are using Allopathy for treating their patients.

8. This Court fails to understand, when on the earlier occasion on the same and similar grounds; the superannuation age of Ayush Doctor has been extended from 60 to 65 years as that of Allopathy Doctor, then there

is no reason why the extension of 2 years which has been granted to Allopathy Doctor has not been extended to Ayush Doctors.

9. Having regard to the aforesaid discussion, the instant writ application stands allowed and the Respondent authorities are directed to accept the claim of the Petitioner and issue necessary notification by extending the retirement age of the AYUSH Doctors from 65 to 67 years. Necessary consequential benefits be accordingly extended to them as early as possible, preferably, within a period of four months from the date of receipt/production of copy of this order. Pending I.As., if any, is also closed."

7. Having regard to the above, the instant writ application is allowed. The respondents are directed not to superannuate this petitioner at the age of 65 years, which he is going to attain on 30.11.2026, and allow him to perform his duties till he completes the age of 67 years.

8. As a result, this writ petition stands allowed.

(Deepak Roshan, J.)

3rd November, 2026
Kunal/-
Uploaded
03.11.2026