

2026 LiveLaw (SC) 123

IN THE SUPREME COURT OF INDIA
SURYA KANT, CJI., R. MAHADEVAN; J., JOYMALYA BAGCHI; J.
Writ Petition(s)(Civil) No(s).34/2026; 27-01-2026
RANJEET KUMAR *versus* THE STATE OF JHARKHAND & ANR.

Service Law – Superannuation Age of Judicial Officers – Jharkhand Superior Judicial Service (Recruitment, Appointment and Conditions of Service) Rules, 2001 – Article 233 and 309 of the Constitution of India – Petitioner, a Principal District and Sessions Judge, sought enhancement of retirement age to 61 or 62 years - Held, enhancement of retirement age requires a policy decision and consequential amendment in Service Rules - While some States have enhanced the age to 61/62 years to match government departments, such issues should not be resolved through judicial orders for individual benefit - A holistic view is required by stakeholders to ensure parity across States - Writ Petition under Article 32 not entertained.

Administrative Remedy – Representation to Chief Justice – Re-employment – Supreme Court granted liberty to the petitioner to make a representation before the Chief Justice of the High Court - The Chief Justice is requested to gather information regarding disparities in superannuation ages across States and engage with the State Government on the administrative side - Decisions regarding re-employment and continuation in service must be taken by the Chief Justice in consultation with puisne Judges. [Paras 3-5]

For Petitioner(s) Mr. Anup Kumar, AOR Ms. Gauri Subramaniam, Adv. Mrs. Shruti Singh, Adv. Mrs. Neha Jaiswal, Adv. Mr. Shivam Kumar, Adv. Mr. Abhisek Kumar, Adv. Ms. Vartika Vaishnavi, Adv.

ORDER

1. The petitioner is a Principal District and Sessions Judge at Hazaribagh, Jharkhand. The service conditions of Members of the Superior Judicial Service, like him, are governed under the

Jharkhand Superior Judicial Service (Recruitment, Appointment and Conditions of Service) Rules, 2001, which has been notified in exercise of powers conferred by Article 233 read with Article 309 of the Constitution of India. Under these Rules, no age of superannuation as such has been prescribed, but Rule 29 of Chapter III, which defines “conditions of service”, provides that all such matters relating to conditions of service of the officers appointed under these Rules and not specified herein shall be governed by the General Rules in this behalf. It is not in dispute that the age of retirement of the State Civil Officers in the State of Jharkhand is 60 years. By virtue of Rule 29, the age of superannuation of Members of the Superior Judicial Services, thus, will also be taken as 60 years. The direction sought by the petitioner for enhancement of the age of retirement to 61 or 62 years essentially requires a policy decision and consequential amendment in the Service Rules. We are aware that in some of the States, the age of retirement of Judicial Officers has been enhanced to 61 years primarily on account of the fact that the age of retirement of the officers in Government Departments is also 61/62 years.

2. There can be no doubt that a holistic view on this issue is required to be taken by all the stakeholders, primarily to ensure that conditions of service, especially the age of recruitment of the Judicial Officers in all the States are broadly on par. It may, however, not be prudent to resolve this issue through a judicial order for the purpose of granting a benefit to an officer.

3. We are, thus, not inclined to entertain this Writ Petition filed under Article 32 of the Constitution.

4. The petitioner is, however, granted liberty to make a representation before Hon'ble the Chief Justice of the High Court, who in turn, is requested to gather information from the other States and if it is found that there is some disparity in the matter of description of the age of superannuation, let the matter be taken up, on the administrative side, with the State Government and other authorities for appropriate resolution of the issue.

5. The second prayer of the petitioner regarding reemployment and consequential continuation in service, we are of the view that such a decision is also required to be taken by Hon'ble the Chief Justice of the High Court in consultation with the puisne Judges of the High Court. Let the Competent Authority, therefore, take an appropriate decision in this regard.

6. With the aforesaid observations and liberty, the Writ Petition is disposed of.

7. As a result, the pending interlocutory applications also stand disposed of.

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