

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10161 of 2015

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Ram Jeevan Bhagat, son of late Baiju Bhagat, Resident of Village Lakhnouri, P.S. Paroo, Dist. Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. District Magistrate cum Collector, Madhubani, Dist. Madhubani.
4. Anchal Adhikari, Pandaul, Dist. Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Respondent/s : Mr. S.K. Jha, GP3

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 27-07-2015

Heard learned counsel for the parties.

Having regard to the fact that the petitioner much after his retirement realized that he could have been given benefit of ACP and the respondents, in the impugned order have come to a finding that while the petitioner was continuing in service, he did not qualify for ACP, inasmuch as, he has not passed the required Hindi Noting and Drafting Examination necessary for the post held by him, namely, Revenue Karamchari, this Court would not find any merit in this application because it is the requirement of ACP Rules that whatever necessity is to be fulfilled for even regular promotion, that has to be fulfilled in the event of grant of ACP benefit.

The only submission of the learned counsel for the

petitioner that since the petitioner had already completed fifty years of age, therefore, he may be deemed to have been given exemption from passing the examination, has to be again only noted for its being rejected. Such exemption is not automatic. It is in the life time of an employee while continuing in service that he has to lead evidence of his appearing in the examination and also that he could not pass the examination till completion of 50 years of age that the competent authority can allow such exemption. The petitioner after retirement has realized that he could have been given benefit of ACP and, in any event after having retired, today he cannot be allowed such exemption which is not automatic.

That being so, the petitioner now aged about 61 years has to be satisfied with whatever he has got, inasmuch as, he cannot get the benefit of ACP for the reasons indicated above.

In the result, this application fails and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

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