

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2758 of 2011

=====

Kedar Nath Chaudhary son of Late Banshi Chaudhary, Resident of Village /
Mohalla - West Lohanipur, P.S. Kadam Kuan, District - Patna

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Home (Police), Bihar,
Patna
2. The Director General of Police, Bihar, Patna
3. The Dy. Inspector General of Police, Bihar, Patna
4. The Senior Superintendent of Police, Patna

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Md. Khurshid Alam, Adv.

For the Respondent/s : Mr. AC to SC-12

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 29-10-2015

Heard Mr. Md. Khurshid Alam, learned counsel for the
petitioner and learned AC to SC-12.

The petitioner has approached this Court, invoking writ jurisdiction under Article 226 of the Constitution of India, for directing the Respondents to provide the benefit under the A.C.P. Scheme after granting him exemption from departmental examination. It is admitted fact that the petitioner superannuated as Assistant in the year 2002.

Learned counsel for the petitioner submits that in the year 2009, a decision was taken to consider the cases of retired employees in respect of grant of A.C.P. and also granting exemption in the departmental examination and, thereafter, the petitioner filed a representation, which was forwarded in the year

2010. However, till date no decision has been taken.

In this case, a counter affidavit has been filed on behalf of Respondent no.4 and in paragraph-13 it has been stated that unless the petitioner's application for grant of exemption from the departmental examination is allowed, he is not entitled to get the benefit under the A.C.P. Scheme. However, it has been indicated that the application of the petitioner for grant of exemption is pending before the competent authority for its final decision. This counter affidavit was filed in the month of October,2013, however no further affidavit has been filed as to whether any decision on the application of the petitioner for exemption from departmental examination has been taken or not.

In view of facts and circumstances, the Court is of the opinion that the writ petition can be disposed of with an observation that the Respondents may take final decision on the application of the petitioner regarding grant of exemption from the departmental examination. It may be taken preferably within a period of two months from the date of receipt/production of a copy of this order. Subsequently, the Respondents may take appropriate decision in accordance with law.

The writ petition stands disposed of.

NKS/-

U			
---	--	--	--

(Rakesh Kumar, J)