

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13115 of 2007

Jeet Narayan Rajhans, son of Late Arun Chandra Rajhans, resident of Mohalla- Bijay Nagar, P.S. Banka, District- Banka, at present posted as an Assistant in the office of the Deputy Collector Land Reforms, Banka, District- Banka

.... Petitioner

Versus

1. The State of Bihar
2. The Collector, Banka
3. The Establishment Deputy Collector, Banka
4. The Deputy Collector Land Reforms, Banka

.... Respondents
....

Appearance :

For the Petitioner/s : Mr. Rajendra Narayan, Sr.Adv.
Mr. Rajiv Kumar Singh, Adv.
For the Respondent/s : Mr. GP-18

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 05-02-2015

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Heard Sri Rajendra Narayan, learned Senior Counsel, who was assisted by Sri Rajiv Kumar Singh, learned counsel for the petitioner and Sri Vivek Prasad, learned Govt. Pleader no. 18.

The petitioner has approached this Court, invoking its writ jurisdiction under Article-226 of the constitution of India, in the year 2007 with a prayer to direct the Respondents to grant him benefit of Assured Career Progression (A.C.P.) with effect from 22.02.2003. Despite the fact that writ petition was filed in the year 2007, till date no counter affidavit has been filed.

Sri Rajendra Narayan, learned Senior Counsel appearing on behalf of the petitioner submits that during the pendency of the



present writ petition, subsequent development has taken place and now the petitioner is entitled to get relief under the Scheme of 1st A.C.P, 2nd A.C.P. and M.A.C.P. He submits that even earlier, the persons, who were juniors to the petitioner, were already granted the benefit of ACP ignoring the case of the petitioner. Earlier, the petitioner had filed representation before the Collector, Banka, however on the representation, till date no decision has been taken.

Instead of asking learned State Counsel for filing counter affidavit, the Court proposes to dispose of the present writ petition granting liberty to the petitioner to file a fresh representation before the Respondent no.2/ Collector, Banka within a period of eight weeks from today raising his all grievances in respect of A.C.Ps.as well as M.A.C.P. . If such representation is filed within the aforesaid time, the Respondent no.2/ the Collector, Banka is required to examine the same and if the Respondent no.2 considers the claim of the petitioner as genuine, he is required to pass a consequential order giving entire benefits to the petitioner within a period of two months thereafter. It is made clear that even if the Respondent no.2 is not agreeable to the claim of the petitioner, he is required to pass a reasoned order and communicate the same to the petitioner within the aforesaid time i.e. within two months from the day of filing of such representation.

With above observation and direction, the writ petition
stands disposed of.

(Rakesh Kumar, J)

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