

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15461 of 2013

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1. Ram Bhushan Jha Son Of Late Jugeshwar Jha Resident Of Village - Antour, P.S. Bahera, District - Darbhanga At Present Residing At Babu Tola, P.S. Banka, District Banka And At Present Posted As Clerk, Circle Office, Barahat, District - Banka

.... Petitioner/s

Versus

1. The State Of Bihar
2. Collector, Banka
3. Establishment Deputy Collector, Banka
4. Circle Officer, Barahat, District - Banka

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Kumar Singh, Advocate.

For the Respondent/s : Mr. Sanjay Kumar, AC to AAG 6

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 31-03-2016

Heard learned counsel for the petitioner and learned counsel for the State.

In the present writ petition, petitioner is seeking relief for second Assured Career Progression (hereinafter referred to as “ACP”) with effect from 27.3.1996 on the ground that duty discharged by him in Group D be also taken into consideration for the purposes of consideration of second ACP.

As per claim of the petitioner, he has joined service in Group D on 27.3.1972 and later on he appeared in the limited examination for the purposes of promotion to Class III in 1997 in terms of the Bihar Government Limited Competitive



Examination, 2003 which was conducted by the Bihar Public Service Commission. There the petitioner was selected and he was promoted to Class III post. Claim has been made by the petitioner that the period for which he has discharged the duty under Group D will also be considered for calculation the second ACP placing reliance on the Rule of the Limited Competitive Examination, 2003 where it has been provided that the person who has discharged the duty under Group D will be taken into consideration for the purposes of second ACP. He has given some example where the persons who were working in Group D have been granted the relief, has filed representation before the District Magistrate, Banka which is pending for consideration.

In such view of the matter, let the District Magistrate, Banka to consider the representation of the petitioner. While considering the case of the petitioner the District Magistrate will examine the provision of Limited Competitive Examination, 2003.

For the convenience, the petitioner is directed to file his detailed representation before the District Magistrate, Banka annexing the copy of the present order who will examine the case of the petitioner and pass a reasoned order within a period

of three months from the date of filing of the same.

With the aforesaid observation this writ petition is disposed of.

Vinay/-

(Shivaji Pandey, J)

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