

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17236 of 2015

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1. Anil Kumar Sinha son of Late Parash Nath Singh resident of Mohalla - Pankhatoli, P.O. Ramna, P.S. Kazi Mahmadpur, Block - Mushahari, District - Muzaffarpur
2. Brajdeo Choudhary son of Late Kuldeep Choudhary resident of Mohalla - Mithanpura, Shiv Shankar Path, P.O. Ramna, P.S. Mithanpura, Block - Mushahari, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Department of Agriculture, Government of Bihar, Patna
2. The Principal Secretary, Department of Finance, Government of Bihar, Patna
3. The Director, Department of Agriculture, Government of Bihar, Patna
4. The Joint Director of Agriculture, Tirhut Division, Muzaffarpur
5. The Deputy Director of Agriculture, Muzaffarpur
6. The Sub Divisional Agriculture Officer, Muzaffarpur East Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Respondent/s : Mr. SATYADEO KUMAR- SC5

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 28-01-2016

Writ application after hearing the parties is disposed of now in following terms:

In a similar matter in a writ application filed by a bunch of petitioners, a Bench of this Court vide order dated 26.8.2010 passed in CWJC No.2541 of 2010, which is the case of Jai Prakash Upadhyay v. State of Bihar and others, set aside the order of recovery and reduction of benefit of pay scale under the ACP scheme on the ground that such orders have been passed without an opportunity of hearing and notice.

An order has been passed by the Principal Secretary, Finance in the case of those petitioners. A copy of the same has been brought on record as

Annexure-D to the counter affidavit.

So the impugned orders contained in Annexures 4/1, 4/2 and 5, which are dated 6th of May, 2011 and 24th of September, 2013 are set aside. Let the Principal Secretary, Finance issue show causes to the petitioners and take a decision in accordance with law.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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