

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14657 of 2013

=====

Yogendra Sharma S/O Late Suraj Deo Sharma Resident Of Mohalla- Jagdeo Nagar,
Krishna Sadan, P.S- Arrah Nawada, District- Bhojpur.

.... Petitioner/s

Versus

1. The State Of Bihar Through Its Secretary, Minor Irrigation, Vikash Bhawan,
New Secretariate, Bihar, Patna.
2. The Chief Engineer, Minor Irrigation, Bhagalpur.
3. The Superintending Engineer, Minor Irrigation, Circle, Saharsa.
4. The Executive Engineer, Minor Irrigation, Saharsa Division.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Md. Ataul Haque

For the Respondent/s : Mr. Avnish Nandan Sinha

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 18-11-2016

Heard learned counsel for the parties.

In this case, a prayer has been made for grant of A.C.P.
which has been rejected on the ground of not having passed the
Accounts Examination which is mandatorily required for granting
such relief under the scheme of 2003 A.C.P. Rule.

As per claim of the petitioner, he was appointed on the
post of Correspondence Clerk on 27.1.1973 and superannuated from
the office of Executive Engineer, Minor Irrigation Department at
Saharsa to the full satisfaction of the higher authorities. The
petitioner has discharged his duty for 36 years but, has not been
granted even single A.C.P. though he has completed ten years of

service on 26.1.1983 and he was entitled to 1st A.C.P. and 2nd A.C.P.

The petitioner has claimed his relief on the basis of a Circular dated 12.8.1992 which contemplates that the persons who have been promoted earlier will not be demoted only because they have not passed the examination but, after 1983, it was mandatorily required that the persons will have to pass the departmental examination. Rule 157 of the Bihar Board Miscellaneous Rule also postulates for the purpose of promotion, an employee will have to pass the departmental examination.

Admittedly, the petitioner has not passed the Accounts Examination and the condition which has been mentioned under Rule 4(5) stipulates that the conditions which are attached for the regular promotion will equally be applicable in the case of granting A.C.P.

In that view of the matter, as the petitioner has not passed the Accounts Examination, this Court does not find any merit in this application and the same is, accordingly, dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2016
Transmission Date	