

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6230 of 2014

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1. Dr. Dharendra Kumar Das Arvind Son Of Late Kameshwar Lal Das Resident Of Paraul, Police Station- Arer, District- Madhubani.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Education Department, Government Of Bihar, Patna.
2. The Special Secretary, Education Department, Government Of Bihar, Patna
3. The Director (Administration) -Cum- Additional Secretary, Education Department, Government Of Bihar, Patna.
4. The Principal Secretary, Department Of Finance, Old Secretariat, Government Of Bihar, Patna.
5. The Director (Higher Education) Government Of Bihar, Patna.
6. The Director, Rural Institute Of Higher Studies At Birauli, P.S- Pusa, District- Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha

For the Respondent/s : Mr. Tripurari Nath Ambastha, A.C. to G.P.-14

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 30-01-2016

Heard Mr. Kripa Nand Jha for the petitioner and A.C. to G.P.-14 for the State. With the consent of the parties, the writ application is being disposed of at this stage.

The writ application was filed seeking diverse reliefs including grant of A.C.Ps and payment thereof. The petitioner served as Lecturer in English at the Rural Institute of Birauli administered by the Education Department of the State Government. He superannuated therefrom on 31.01.2012. Since the retiral dues were not paid to him, he filed the present writ petition for payment of leave encashment, arrears of salary as per the 6th PRC report etc.



Mr. Jha, on instruction, states that during the pendency of this application, the respondents have considered and granted him two benefits under the Assured Career Progression Scheme implemented by the State Government. The dues, on the basis of grant of those benefits, have been cleared and authorized. It is stated that if an employee has been considered and granted both the benefits under the A.C.P., he is also entitled to be considered for grant of further benefit under the Modified Assured Career Progression (MACP) scheme. The same has not been considered by the respondents.

Counsel for the State, appreciating the submission of the Counsel for the petitioner has contended that the petitioner may be permitted to raise a grievance in this regard before the appropriate/competent authority for consideration/examination in accordance with law.

Considering the aforesaid stand of the State, which has not been objected by Mr. Jha, the writ application is disposed of by permitting the petitioner to raise a grievance with regard to non-consideration/grant of the privilege under the MACP before the Director, Higher Education (respondent no. 3) for consideration/examination in accordance with law. If any such representation is filed within four weeks, the said respondent will examine the grievance of the petitioner and take appropriate decision

and/or pass appropriate order in accordance with law as quickly as possible preferably within six weeks of such filing/presentation.

Pankaj/-

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(Kishore Kumar Mandal, J)

