

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.13698 of 2013**

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1. Rabindra Nath Mishra Son Of Late Chakardhar Mishra Resident Of Village-  
Dhobai, P.O. + P.S.- Tarapur, District- Munger

.... .... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Irrigation Department,  
Government Of Bihar, Patna
2. The Principal Secretary, Irrigation Department, Government Of Bihar, Patna
3. The Chief Engineer, Water Resources Department, Patna Null Null
4. The Superintending Engineer, Water Resources Department, Bihar Sharif
5. The Executive Engineer, Water Resources (Irrigation) Division Bihar Sharif

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Jyoti Ranjan Jha, Advocate

For the Respondent/s : Mr. Dhananjai Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 24-11-2016**

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

In the present writ petition, petitioner is seeking relief for  
grant of Assured Career Progression (hereinafter referred to as  
the ACP) from the date of enforcement i.e. 9.8.1999 whereas he  
has been granted ACP from the date of grant of exemption for  
passing the accounts examination.

Petitioner entered into service as seasonal Moharrir in the  
office of Revenue Division, Water Resources Department,  
Tarapur, Munger and he superannuated on 31.6.2011 from the  
said post from the office of Irrigation Division, Bihar Sharif but

he was not granted ACP. After crossing the age of 50 years he has filed an application for exemption from passing accounts examination which was allowed vide letter dated 10.6.2011 and in pursuance of service petitioner has already granted ACP from the date of exemption.

The grievance has been raised by the petitioner that benefits should be conferred upon him from the date of enforcement of ACP i.e. 9.8.1999 as he says that entitlement will be reverted back to the date of entitlement of ACP. He has further submitted that other similarly situated persons have been given the benefit from the date of entitlement, not from the date of exemption.

As per ACP Rule the principle of ACP will be the same as that of the promotion and Clause 4(5) of the Rule stipulates that the conditions which are attached for promotion is equally applicable for grant of ACP.

In such view of the matter, respondent is directed to consider the case of the petitioner in the light of the fact that exemption has been granted after crossing the age of 50 years.

For convenience, petitioner is directed to file a representation before the competent authority and the same will be disposed of by a reasoned order in accordance with law within

a period of two months from the date of filing of the representation.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

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