IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18499 of 2008

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Tarkeshwar Prasad, Son of Sri Shiv Kumar Prasad, Resident of Mohalla Kautilya Nagar, B.M.P. Road, P.S. Shastrinagar, District and Town Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate-cum-Collector, Collectorate, Patna.
3. The Deputy Collector (Establishment), Collectorate, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mrs. Binita Singh, SC-28
Mr. Vivek Anand Amritesh, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 27-11-2017

No one appears for the petitioner. Counsel for the State is present.

In the present case, the petitioner has sought a relief for quashing the order dated 19.5.2008, whereby and whereunder, the claim of the petitioner for grant of A.C.P. has been denied.

The petitioner has been denied the benefit of A.C.P. on the ground that he neither passed the accounts examination nor has produced any material to show that he has attempted to appear in the examination and failed in the examination.

The basic idea is that the employee must take an effort to clear the examination and, on attaining fifty years, on fulfilling the condition of attempt in the examination, the employee is waived to overcome the rigor of passing the examination but, in the present case, the petitioner has not come forward with any material to show that he had made an attempt to appear in the accounts examination and he has failed in the same. Inasmuch as, the petitioner has neither passed nor has attempted to pass the accounts examination, which is necessary for giving the benefit of waiver of passing the examination, in such circumstances, he cannot escape from the duty of passing the accounts examination.

In view of the above, this court does not find any merit in this writ application and the same is, accordingly, dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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