

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18485 of 2008

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1. Jagjitan Sah son of late Bhagelu Sah, resident of village – Neuri P.S. Barauli, District – Gopalganj.
 2. Bishwanath Singh, son of late Daroga Singh, resident of village – Barheya, P.S. Barauli, District – Gopalganj.

.... Petitioners

Versus

1. The State of Bihar
2. The Commissioner, Saran Division, Saran.
3. The Chief Engineer, Department of Water Resources, District – Siwan.
4. The Executive Engineer, Flood Control Division, Department of Water Resources, District – Gopalganj.
5. The Executive Engineer, Saran Nahar Pramandal, Department of Water Resources, District – Siwan.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh
Mr. Shafiur Rahman

For the Respondent/s : AC to Addl. Advocate General - 15

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 20-03-2017 Heard Sri Prabhat Kumar Singh, learned counsel assisted by Sri Shafiur Rahman, learned counsel for the petitioners and learned A.C. to Addl. Advocate General – 15.

2. Two petitioners had approached this Court by filing the present writ petition. It was filed in the year 2008, with a prayer to quash Annexure – 1 to the writ petition i.e. letter no. 1/Est. Misc.-15-118/07:3611 dated 31-10-2007, whereby the claim of petitioners for grant of benefit under the A.C.P. scheme (Assured Career Progression Scheme) was rejected and further prayer has been made to direct the respondents to grant benefit of



1st and 2nd A.C.P. as well as for grant of 1st and 2nd time bound promotion.

3. In this case, a counter affidavit was filed on 30th March, 2009 on behalf of the respondents duly sworn by respondent no. 5/Executive Engineer, Saran Nahar Pramandal and in paragraph – 5 of the counter affidavit, it was categorically stated that the first petitioner i.e. Jagjitan Sah was already granted benefit of A.C.P., vide letter no. 3145 dated 06-11-2008 exempting the petitioner no. 1 from the departmental examination.

4. So far as claim of petitioner no. 2 namely Sri Bishwanath Singh is concerned, in same paragraph at page 8 (running page 25), it has been stated that his application for exemption from departmental examination was recommended by the Superintending Engineer and forwarded vide letter no. 1189 dated 13-09-2006 and same was forwarded and recommended to the Divisional Commissioner, Saran, Chapra vide letter no. 4491 dated 27-10-2006 of the Chief Engineer, Water Resources Department, Govt. of Bihar, Siwan but approval of the Commissioner, Saran was not received so far. Even though, such affidavit was filed in the year 2009, till date, no further affidavit was filed by the respondent/State regarding the claim of the petitioners, whereas learned counsel for petitioners submits that



despite recommendation, as indicated in the counter affidavit, till date, petitioner no. 2 (Bishwanath Singh) has not been granted the same benefit.

5. The Court is of the opinion that the claim of the petitioner no. 2 may not be kept pending for an indefinite period. Once recommendation was already made in the year 2006, as stated hereinabove, which was stated in the counter affidavit also, the petitioner no. 2 is also entitled to get same benefit, which has been granted to petitioner no. 1.

6. Accordingly, the writ petition stands disposed of, with a direction to the respondents to consider the case of the petitioner no. 2 in accordance with law with all consequential benefits like the case of petitioner no. 1. All the formalities, if till date not completed, must be completed within a period of three months from the date of receipt/production of a copy of this order.

(Rakesh Kumar, J.)

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