

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

**Civil Writ Jurisdiction Case No.25 of 2017**

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Kamal Narayan Jha, Son of Late Satyadeo Jha, Resident of village - Gajahara Via -  
Khutouna District Madhubani at Present Working as Peon before Director Mithila  
Post Graduate Studies and Research Institution Darbhanga

.... .... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources,  
Government of Bihar, Patna
2. The Principal Secretary, Human Resources, Government of Bihar, Patna
3. The Director Higher Education Government Bihar, Patna
4. The Director, Mithila Sanskrit Post Graduate Study and Research Centre,  
Darbhanga

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.  
Mr. Manish Kumar Jha, Adv.  
For the Respondent/s : Mr. Madhaw Pd. Yadav, GP-23  
Mr. Rajesh Kumar Sinha, AC to GP-23

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

**ORAL JUDGMENT**

**Date: 19-05-2017**

Heard Mr. Sharda Nand Mishra, learned counsel for the  
petitioner and Mr. Rajesh Kumar Sinha, AC to GP-23, for the State.

In the nature of relief so claimed in the present writ petition,  
it would not be necessary to await filing of a counter affidavit, rather  
in view of the pleadings present on record the writ petition can be  
disposed of.

The petitioner prays for issuance of an appropriate writ in  
the nature of mandamus commanding the respondents more  
particularly respondent no.3 to consider the case of the petitioner for



grant of 2nd ACP with effect from 1.1.2009 and 3rd ACP with effect from 27.9.2015 under the Modified Assured Career Progression Scheme.

Mr. Mishra with reference to the representation of the petitioner at Annexure 10 addressed to respondent no.3 has submitted that although the grievance has been raised by the petitioner for the relief so claimed herein but it has remain pending. He with reference to Annexure 9 submits that the Director, Mithila Sanskrit Post Graduate Study and Research Centre, Darbhanga has recommended to the Director, Higher Education (respondent no.3) supporting the claim of the petitioner but has not given any result. In short, he submits that the matter remains pending at the level of the Director, Higher Education.

Having heard learned counsel for the parties and considering the nature of grievance raised herein as well as the fact that the representation filed by the petitioner on 9.6.2016 remains pending for disposal before the Director, Higher Education, I deem it proper to dispose of the writ petition with a direction to the Director, Higher Education to consider the claim of the petitioner and dispose of the same in accordance with law expeditiously and preferably within a period of three months from the date of receipt/ production of a copy of this order.



The writ petition is disposed of with the directions  
aforementioned.

**(Jyoti Saran, J)**

Surendra/-

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