

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1513 of 2016

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Dr. Ram Chandra Prasad, Son of Late Mahavir Mistri, Resident of Village -
Laxmipur, P.S. and District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Animal Husbandry, Bihar, Patna
2. Special Deputy Director, Large Cattle Development Project, Muzaffarpur
3. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Bhardwaj, Advocate

For the State : Mr. Kinkar Kumar, S.C. 9

Mr. Mrigendra Kumar Singh, A.C. to S.C.9

For Accountant General : Mr. Uday Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 06-07-2017

Petitioner who was posted as Special Deputy Director, Animal Husbandry and had retired from service on 31.01.2012 had filed this writ petition and the grievance of the petitioner is that even though he was entitled for grant of first, second and third A.C.P. in the year 1999, 2003 and 2009 but as his case was never considered he represented and when no action was taken on the representation, the writ petition in question was filed.

Initially Respondent Nos. 1 and 2 filed a counter affidavit and it is stated that for considering the cases of eligible candidates for grant of A.C.P. in the Bihar Veterinary Service, a meeting of the D.P.C. was held on 06.02.2013 and in the said meeting



it was decided that the question of grant of A.C.P. to the petitioner shall be kept pending on account of non-availability of the Departmental Examination's result, which is necessary to be passed in view of the Government circulars as are indicated in Annexure-A dated 25.06.2013. Thereafter, it seems that the petitioner produced material and documents to show that he has passed the departmental examination and there is no impediment in considering his case. When such submission was made by the petitioner on 06.03.2017, Respondent Nos. 1 and 2 have again filed a supplementary counter affidavit and from the statement made by them from Paragraph 6 onwards of the supplementary affidavit, it is clear that the case of the petitioner was kept pending due to non-availability of the result of the departmental examination. Now, the results are available and, therefore, an assertion is made in the supplementary affidavit that the case of the petitioner shall be considered in the next D.P.C. and a decision taken.

Keeping in view the aforesaid admission, now made by the respondents in the supplementary counter affidavit, this writ petition is disposed of with the following directions:

On the petitioner filing a certified copy of this order, the competent authority of the department shall constitute a special D.P.C. for considering the case of the petitioner, place the matter



before the D.P.C. and a decision with regard to grant of A.C.P. to the petitioner shall be taken by the D.P.C. within a period of two months thereof. In case the benefit is to be granted to the petitioner on the basis of the recommendation of the D.P.C., the same shall be granted retrospectively with all consequential effect with effect from the date the date it is due to the petitioner. It shall be incumbent upon the respondents to record reasons for the same and communicate it to the petitioner within the aforesaid period. The entire exercise of constituting the D.P.C. and passing the order shall be concluded within a period of three months from the date of receipt of certified copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Rajendra Menon, CJ)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	07.07.2017
Transmission Date	

