

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7252 of 2017

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Shyam Kumar Sharma son of late Bashishtha Narayan Singh, resident of village and P.O. Phuladh, P.S. Paru, District Muzaffarpur, presently residing at Mohalla Bibi Ganj, Gandhinagar, Road No. 2, Ward No. 7, P.O.-M.I.T., Muzaffarpur, P.S. Muzaffarpur Town, District Muzaffarpur.

.... Petitioner/s

Versus

- 1.The State of Bihar.
- 2.The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
- 3.The Director, Secondary Education, Government of Bihar, Bihar Education Service Board, Budh Marg, Patna.
- 4.The District Magistrate, Vaishali, District Vaishali at Hajipur.
- 5.The District Account Officer, Vaishali, District Vaishali at Hajipur.
- 6.The District Education officer, Vaishali, District Vaishali at Hajipur.
- 7.The District Programme Officer (Establishment), Vaishali, District Vaishali at Hajipur.
- 8.The Block Education Officer, Paterhi Brlsar, District Vaishali at Hajipur.
- 9.The Accountant General (A&E), Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nityanand Mishra, Adv
For the Respondent/s : Smt.Binita Singh-SC28

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 15-05-2017 The prayer of the petitioner in this writ application reads as follows:-

(i) For issuance of an appropriate writ in the nature of mandamus directing and commanding the respondent s to pay the benefit of 2nd Assured Career Progression (in short ACP)



with effect from 10.03.2010 (Date of completion of 24 years service) along with admissible interest, which have already been granted to the juniors to the petitioners.

(ii) Further to revise the pension, gratuity and other retirement benefits of the petitioner and pay the other consequential benefits and arrears of pension and gratuity which arose due to revision of pension and gratuity of the petitioner after granting the benefit of 2nd Assured Career Progression (in short ACP) with effect from 10.03.2010 (Date of completion of 24 years service).

The petitioner was appointed as Assistant Teacher in Upgraded Middle School, Rasulpur, Sain, Block and P.S. Paterhi Belsar, District Vaishali at Hajipur on 10.03.1986. After completion of 12 years of service on 10.03.1998, the petitioner was granted Matric Trained Senior Pay Scale. The petitioner submits that thereafter he was not granted any promotion and as such he is entitled to the benefit of second ACP which became due on 10.03.2010, as he completed 24 years of service, from the date he received the Matric Trained Senior Pay Scale. The petitioner superannuated on 31.10.2014. He has filed several representations copy of which has been annexed as Annexures to this writ



application. He has also filed representation before the District Programme Officer (Establishment), Vaishali at Hazipur (Annexure-3).

This application is disposed of with a direction to the petitioner to file fresh representation before the District Programme Officer (Establishment), Vaishali at Hajipur, in respect of the relief as sought for in the writ application. If the petitioner files such representation, the same shall be disposed of within a period of two months from the date of receipt of this order.

(Samarendra Pratap Singh, J)

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