

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19359 of 2013

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Yogendra Prasad Son of Late Shiv Prasad Resident of Village- Chayrao, P.S.-
Kuchaikote, District- Gopalganj

.... Petitioners

Versus

1. The State of Bihar
2. The District Magistrate, Gopalganj
3. The Deputy Collector, Establishment, Collectorate, Gopalganj
4. The Circle Officer, Sidhwaliya, Block- Sidhwaliya, District- Gopalganj

.... Respondents

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Appearance :

For the Petitioner : Mr. Ranjan Kumar Srivastava,
Ms. Rajni Gandha, Advocates
For the Respondent/s : Mr. Rajan, AC to GA 11

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-10-2017

The present writ petition has been filed for quashing the letter No. 142/Establishment dated 29.01.2013 issued by the Deputy Collector, Establishment, Collectorate, Gopalganj (Respondent no. 3) whereby and whereunder claim of the petitioner for grant of A.C.P. has been refused.

2. Learned counsel for the petitioner submits that the impugned letter has been passed under misconception that the petitioner has not cleared the half yearly Accounts Examination-Second Paper and hence, the benefit of A.C.P. could not be given to the petitioner. It is submitted that as a matter of fact the petitioner had duly cleared the said examination as evident from Memo No. 21 dated 14.10.2001 (Annexure-1) and further from his service book itself. It is therefore, submitted that the petitioner is entitled to the A.C.P. as claimed and for which a representation has also been filed before the Collector, Gopalganj dated 21.03.2013 (Annexure-4), which is



pending.

3. Despite a copy of the writ petition having been served as far back as in September, 2013 itself, no counter affidavit has been filed on behalf of the respondents even after a lapse of over four years. The statement of facts made in the writ petition has thus not been denied on behalf of the respondents.

4. In the above view of the matter, the impugned letter No. 142/Establishment dated 29.01.2013 is hereby set aside and the matter remanded to the Deputy Collector, Establishment, Collectorate, Gopalganj (Respondent no. 3) to consider the matter and pass orders afresh after grant of opportunity of hearing to the petitioner in accordance with law expeditiously within a period of three months from the date of receipt/production of a copy of this judgment.

5. The writ petition stands allowed.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.10.2017
Transmission Date	N.A.

