

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14007 of 2017**

=====

Shyama Thakur Wife of Late Chandra Mohan Thakur Resident of Village -  
Dumari, P.O. - Manika, P.S. - Mushari, Anchal - Mushari, District -  
Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Registration, Excise & Prohibition Department,  
Government of Bihar, Patna.
3. The Excise Commissioner, Registration, Excise & Prohibition  
Department, Government of Bihar, Patna.
4. The Deputy Excise Commissioner, Registration, Excise & Prohibition  
Department, Tirhut-cum-Saran Division, Muzaffarpur.
5. The Superintendent Excise, West Champaran, Bettiah.

.... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Nalin Kumar

For the Respondent/s : Mr. Anil Kr. Sinha-Gal

=====

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      26-04-2018              The learned counsel for the parties have made their  
  
respective submissions and relied on judgments passed by the  
  
Division Bench of this Court in their favour, which are the ones  
  
reported in 2013 (1) PLJR 939 [ State of Bihar v. Kusheswar Nath  
Pandey] and 2017(3) PLJR 824 [Uday Shanker Prasad v. State of  
Bihar].

In view of the aforesaid, it is directed that the respondent  
no.3 shall examine the contention of the respective parties as also  
the judgment rendered by a Division Bench of this Court reported  
in 2013 (1) PLJR 939 [ State of Bihar v. Kusheswar Nath Pandey]



and the judgment rendered in 2017(3) PLJR 824 [Uday Shanker Prasad v. State of Bihar] and take a final decision as to whether the petitioner is entitled to the benefits of ACP/MACP even if he has not passed the departmental examination but has crossed the age of 50 years.

The entire exercise be completed within a period of six weeks from today.

The writ petition is disposed of on the aforesaid terms.

**(Mohit Kumar Shah, J)**

BTiwary/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

