

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1601 of 2015

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1. Pramod Prasad Rana, Son of Late Sukhdeo Prasad Rana, Retired Clerk Agricultural Research Institute, Patna, resident of Village + Post Office- New Kurthaul, Chura Mill Gali, Police Station- Parsa Bazar, District- Patna.
 2. Rana Pratap Singh, Son of Late Ram Bilas Singh, Retired Clerk Agricultural Research Institute, Patna, resident of Village - Naga Tola, Post Office- Beapur, Via- Danapur, Police Station- Maner, District- Patna.
 3. Sanjit Sinha Choudhary, Son of Late Sarojaksha Sinha, Retired Clerk Agricultural Research Institute, Patna, Choudhary resident of Mohalla- LIG 6/185, Hanuman Nagar, Post Office+ Police Station- Lohia Nagar, District- Patna.
 4. Bijendra Kumar Singh, Son of Late Sheo Prasad Sinha, Retired Clerk Agricultural Research Institute, Patna, resident of Pragati Nagar, Sector-2, Sipara, Post Office- Dhelwan, Police Station- Beuar, District- Patna.
 5. Ram Jatan Singh, Son of Late Mistri Singh, Retired Clerk Agricultural Research Institute, Patna, resident of Village- Dehlwan, Post Office- Dhelwan, Police Station- Ram Krishna Nagar, Via- Lohia Nagar, District- Patna.
 6. Bhubneshwar Singh, Son of Bisheshwar Singh, Retired Clerk Agricultural Research Institute, Patna, resident of Village- Lakhisarai, Post Office-Malathi, District- Patna.
 7. Most. Mina Devi, Widow of Late Ram Kishore Mishra, Ex- Clerk Agricultural Research Institute, Patna, resident of village- Gopalpur, Mashaurhi, District- Patna.
 8. Amiruddin Ansari, Son of Late Hanif, Retired Clerk Agricultural Research Institute, Patna, resident of Gandhi School Road, Moti Chowk, Post Office + Police Station- Khagaul, District- Patna.
 9. Most. Fatima Khatoon, widow of Late Abdul Quddus Khan, Retired Clerk Agricultural Research Institute, Patna, Son of Late Nasullah Khan, resident of Mohalla- Ishapur, Post Office + Police Station- Phulwarisharif, District- Patna.
 10. Most. Khairun Nisha Khatoon, widow of Late Gulam Zaffar, Retired Clerk Agricultural Research Institute, Patna, resident of Village - Govindpur, Post Office+ Police Station- Khaira, District- Chapra (Saran).
 11. Sri Panna Lal Bhatt, Son of Late Mandayal Roy, Retired Clerk Agricultural Research Institute, Patna, resident of Village + Post Office- Balbandh, Police Station- Charpokhari, District- Bhojpur.
 12. Iftekhar Ahmad, Son of Late Abdul Khair, Retired Clerk Agricultural Research Institute, Patna, resident of Mohalla- Kishanganj, Post Office + Police Station- Biharsharif, District- Nalanda.
 13. Most. Rafia Khatoon, Widow of Late Farooque Ansari, Retired Clerk Agricultural Research Institute, Patna, Son of Late Md. Hanif, resident of Mohalla- Lal Kothi, Post Office- Danapur Cantt, District- Patn.

.... Petitioner/s

Versus

1. The State of Bihar through the Agricultural Production Commissioner, Department of Agriculture, Government of Bihar, Patna.
2. The Agricultural Production Commissioner, Department of Agriculture, Government of Bihar, Patna.
3. The Director (Administration)-cum-Additional Secretary, Department of Agriculture, Government of Bihar, Patna.



4. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
5. The Bihar Agricultural University through its Registrar having Office at Sabour, Bhagalpur, Bihar.
6. The Vice Chancellor, Bihar Agricultural University, having Office at Sabour, Bhagalpur, Bihar.
7. The Director Administration, Bihar Agricultural University, having Office at Sabour, Bhagalpur, Bihar.
8. The Dean, Agricultural Research Institute, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. A. K. Karna, Advocate
For the BAU : Mr. R. L. Das, Advocate
For the State : Mr. V. K. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 13-08-2018

Heard learned counsel for the petitioners; State and Bihar Agricultural University, Sabour, Bhagalpur (hereinafter referred to as the 'University').

2. The petitioners have moved the Court for the following reliefs:

“That the present Writ Application is being filed for quashing the decision as contained in Memo No. 5989 dated 03.12.2013 by which the benefits of Assured Career Progression (ACP) has been denied to the employees of the University and issuance of declaration that the Respondents have illegally and wrongly recovered/adjusted the benefits of ACP already granted and have wrongly denied the ACP only to the clerks in the court cases. The decision of denial of the benefit of ACP is fit to be declared contrary to the Act and statutes as the same has been allowed pursuant to the decision of the Board of Management in the 63rd Meeting dated 03.10.2004 which was duly circulated and the benefits there under had already been extended to the employees of



the parent Rajendra Agricultural University, as well as the subsequently created Bihar Agricultural University.”

3. Initially, the stand of the State was that the challenge to the decision of the State to deny ACP benefit to similarly situated persons in C.W.J.C. No. 10103 of 2014, was dismissed. However, supplementary affidavit has been filed on behalf of the petitioners today, in which the consequent order dated 14.05.2018 has been brought on record which has reversed the decision of the learned single Bench dated 18.12.2014 in C.W.J.C. No. 10103 of 2014 and has quashed the communication of the Director Agriculture that ACP Rules of 2003 are not applicable to Boards, Corporations and Autonomous Bodies and since the University did not take prior approval before creating financial liability upon the State, the benefit of ACP scheme given to the employees be recovered and the same was followed by a consequential order of the University.

4. In view of the aforesaid fact, both learned counsel for the State and University do not dispute that the order and judgment dated 14.05.2018 in L.P.A. No. 295 of 2015, shall govern the present writ petition also.

5. Accordingly, the writ petition stands disposed off in terms of the judgment and order dated 14.05.2018 in L.P.A. No.



295 of 2015. The petitioners shall also held entitled to the benefits as
flowing from the aforesaid order.

(Ahsanuddin Amanullah, J.)

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