

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 5688 of 2014

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1. Deo Nandan Prasad, S/O- Late Shri Budhan Mahto, R/O Village- Paharpura,
P.O. & P.S.- Biharsharif, District- Nalanda

2. Anil Kumar Singh, S/O- Late Umed Narayan Singh, R/O Village & P.S.-
Pothahi, P.O.- Basuhar, Via- Punpun, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar, Through The Commissioner-Cum-Special Secretary, Rural
Engineering Department, Works Division, Vishweshwaraiya Bhawan, Bailey Road,
Patna (Bihar)

2. The Engineer-In-Chief, Rural Engineering Department, Works Division,
Vishweshwaraiya Bhawan, Bailey Road, Patna (Bihar)

3. The Chief Engineer, Rural Engineering Department, Works Division,
Vishweshwaraiya Bhawan, Bailey Road, Patna (Bihar)

4. The Executive Engineer, Rural Works Department Works Division, Darogapath,
Patna-1 (Bihar)

5. The Superintendent Engineer, Rural Works Department, Works Division,
Darogaraipath, Patna- 1 (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Pramod Kumar Singh, Advocate

For the S t a t e : Mr Dhurjati Kr Prasad, GP XIV

Mr Subodh Kr Mishra, AC to GP XIV

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 20-07-2018

Heard learned counsel for the petitioner and the
respondent-State.

2 Petitioner was claiming the benefit of higher scale in
terms of MACP Scheme of the State of Bihar. His earlier writ
petition bearing *CWJC No 4612 of 2009* was disposed of by order
dated 16.04.2009 leaving it to the respondents to dispose of the
petitioner's claim by reasoned and speaking order. Subsequent



thereto, petitioners have been granted the first and second benefit under the ACP Scheme with effect from 28.08.2010 being the date on which they acquired the qualification by virtue of appearing in the Departmental Accounts Examination.

3 The MACP Scheme has been placed on record by the respondents in the counter affidavit which clearly stipulates that the requisite qualifications for regular promotion have to be fulfilled by the employees claiming benefit of the MACP Scheme for higher grade. The said requirement has been reiterated in the order rejecting the petitioner's claim pursuant to the earlier direction of this Court. The decision is dated 22.10.2009 and is impugned in the instant writ petition. Specific reference has been made to the requirement under the MACP Scheme specifically Rule 5 thereof and the Departmental Resolution dated 08.02.1999.

4 They form the basis of rejection of the petitioners' claim for grant of higher scale under the MACP Scheme prior to their having qualified in the Departmental Examination. Provisions of the MACP Scheme as also Resolution dated 08.02.1999 have not been challenged by the petitioners. Only the rejection of their claim under the same has been challenged.

5 Since the rejection is founded on provisions contained in the Scheme under which the petitioners have been given the benefit



as also the Departmental Resolution dated 08.02.1999 which has not been challenged by the petitioners, no relief can be granted to the petitioners in this writ petition.

6 The writ petition is devoid of any merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.07.2018
Transmission Date	NA

