

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21835 of 2014

1. Ramesh Chandra Jha son of Late Jyotish Chandra Jha Retired Clerk, Bihar Agriculture College Campus, Sabour, resident of Village- Brahmin Tola, Sabour, Post office, Sabour, Police Station-- Sabour, District-Bhagalpur.
2. Jai Prakash Mandal son of Late Shyam Mandal Posted Clerk, Bihar Agriculture College Campus, Sabour, resident of Village- Brahmin Tola, Sabour, Post office, Sabour, Police Station-- Sabour, District-Bhagalpur.
3. Tarak Nath Sherkhel son of Late N.G. Serkhel Posted as Clerk, Bihar Agriculture College Campus, Sabour, resident of Bihar Agriculture College Campus, Sabour, Post office, Sabour, Police Station-- Sabour, District-Bhagalpur.
4. Aman Kuamr son of Late Hirday Narayan Singh ,Posted as Clerk, Bihar Agriculture College Campus, Sabour, resident of Village- Khankitta, Post office, Sabour, Police Station-- Sabour, District-Bhagalpur.
5. Mahesh Prasad Sah Son of Late Mahabir Prasad Sah, Retired Clerk, Bihar Agriculture College Campus, Sabour. resident of Mohalla- Bhikhanpur, Goomti No. 2, Firangee Roy Lane, Post office- Kharman Chak (Head Post Office), Police Station Ishakchak, District- Bhagalpur.
6. Kauleshwar Prasad son of late Madan Mohan Prasad, Retired Clerk, Bihar Agriculture College Campus, Sabour, resident of Mohalla- Laluchak Angari, Post Office- Ishakchak, Police Station- Ishakchak, District- Bhagalpur.
7. Smt. Durga Devi widow of Late Suresh Narayan Lal, Retired Clerk, Bihar Agriculture College Campus, Sabour, resident of Village- Sabour, Post Office- Sabour, Police Station- Sabour, District- Bhagalpur.
8. Biveka Nand Mishra son of Late Chhote Lal Mishra, Retired Clerk, Bihar Agriculture College Campus, Sabour, resident of Village- Umeshwar Nagar, Post office, Sabour, Police Station-- Sabour, District-Bhagalpur.
9. Chunchun Mandal son of Late Mansar Mandal, Retired Clerk, Bihar Agriculture College Campus, Sabour, resident of Village- Sabour, Post office, Sabour, Police Station-- Sabour, District-Bhagalpur.
10. Krishan Murari Verma son of Late Sadho Prasad Verma, Posted Clerk at Bihar Agriculture College Campus, Sabour, resident of Village- Sabour, Post office, Sabour, Police Station-- Sabour, District-Bhagalpur.
11. Yogendra Prasad Jha son of Lated Sadanand Jha, Posted Clerk at Bihar Agriculture College Campus, Sabour, resident of Village- Sabour, , Police Station-- Sabour, District-Bhagalpur.
12. Ram Bharosha Yadav son of late Laxman Yadav, Retired Clerk, Bihar Agriculture College Campus, Sabour, resident of Village- Mirzapur, Post office- Sabour, Police Station-- Sabour, District-Bhagalpur.
13. Md. Kazim son of late Md Hashim, Retired Clerk, Bihar Agriculture College Campus, Sabour, resident of Village- Rajpur, Post office, Alinagar ,Police Station-- Sabour, District-Bhagalpur.
14. Bibi zubaina Khanam widow of Late Md. Eqbal, Retired Clerk, Bihar Agriculture College Campus, Sabour, resident of Village- Rajpur, Post office, Alinagar ,Police Station-- Sabour, District-Bhagalpur.
15. Baliaday Devi widow of Late Jaldhar Pd. Yadav,,Posted as Clerk at , Bihar Agriculture College Campus, Sabour, resident of Village- Chandhery, Post office- Sabour, Police Station-- Sabour, District-Bhagalpur.
16. Birendra Prasad Singh son of Late Sahdeo Singh, Retired Clerk, Bihar Agriculture College Campus, Sabour. resident of Village-Jamsi, Post office- Agarpur, Police Station--Lodipur, District-Bhagalpur.



17. Bimal Prasad Singh son of Late Satrugan Prasad Singh, Retired Clerk, Bihar Agriculture College Campus, Sabour. resident of village+ Post Office- Sabour, Police Station- Sabour, District- Bhagalpur.
18. Bhudeo Mandal son of Late Shaudagar Mandal , Retired Clerk, Bihar Agriculture College Campus, Sabour. resident of Village- Manasarpur, Post office- Fatehpur , Police Station-- Zeromile, District-Bhagalpur.
19. Musarrot Parween, widow of Late Md. Ansar Ahmad, Retired Clerk, Bihar Agriculture College Campus, Sabour. resident of Village- Rajpur, Post office, Sabour ,Police Station-- Sabour, District-Bhagalpur.
20. Chandra Shekhar Kumar son of Late Suryadev Kumar,Retired Clerk, Bihar Agriculture College Campus, Sabour. resident of Cold Storage, Sabour, Post office - Sabour, Police Station-- Sabour, District-Bhagalpur.
21. Janak Lal Jha son of Hiha Lal Jha,Retired Clerk, Bihar Agriculture College Campus, Sabour, resident of Anand Nagar, Sabour, Post office- Sabour, Police Station-- Sabour, District-Bhagalpur.
22. Sachidanand Tiwary son of Late Chandrakeshwar Tiwari,Retired Clerk, Bihar Agriculture College Campus, Sabour, resident of Village- Anandbag, Post Office- Bhikhanpur, Police Station- Ishakchak, District - Bhagalpur.
23. Sunaina Devi widow of Late parmanand Jha, Retired Clerk, Bihar Agriculture College Campus, Sabour. resident of Village- Anadipur, Post office- Kahalgaon, Police Station-- Kahalgaon, District-Bhagalpur.
24. Bishyat Krishneshwar prasad son of Late Maheshwar Prasad, Retired Clerk, Bihar Agriculture College Campus, Sabour. resident of Mohalla- Kailashpuri, Post Office- Mirzan, Police Station- Mozahidpur, District- Bhagalpur.
25. Bidya Nand Prasad son of Late Permanand Prasad, Posted Clerk at Bihar Agriculture College Campus, Sabour, resident of Village-Chandhri, Post office, Sabour, Police Station-- Sabour, District-Bhagalpur.
26. Binay Kumar Thakur son of Late Baikunth Thakur, Posted as Clerk at , Bihar Agriculture College Campus, Sabour, resident of village- Pakso, Post Office- Kasba Duhichak, Police Station- Gangati, District- Godda (Jharkhand).
27. Ramdhari Singh son of Late Churaman Singh,Posted Clerk at Bihar Agriculture College Campus, Sabour, resident of Village- Chandpur , Post office, Amdanda, Police Station-- Amdanda, District-Bhagalpur.
28. Sachchida Nand Jha son of Late Sundar Jha,,Posted as Clerk, Bihar Agriculture College Campus, Sabour, resident of Village- Chandheri, Post office, Sabour, Police Station-- Sabour, District-Bhagalpur.
29. Binod Kumar Rajhans son of Sri Laxmi Nath Rajhans, Posted as Clerk, Bihar Agriculture College Campus, Sabour, resident of Village- Chandheri, Post office, Sabour, Police Station-- Sabour, District-Bhagalpur.
30. Ram Chandra Singh son of Late Thakur Prasad Singh,Posted Clerk at Bihar Agriculture College Campus, Sabour, resident of Village- Sanha Naya Tola, Post office- Bakhadda ,Police Station--Sahebpur Kamal , District-Begusarai.
31. Shree Krishna Jha son of Late Deonandan Jha,Retired Clerk, Bihar Agriculture College Campus, Sabour. resident of Village- Chandheri, Post office, Sabour, Police Station-- Sabour, District-Bhagalpur.
32. Sengupta Shekhar Kumar son of Late Surendranath Sengupta,Retired Clerk, Bihar Agriculture College Campus, Sabour. resident of Mohalla- Baidyapara, Post office- Ghola Bazar, Police Station--Ghola District-North 24 - Pargana , Kolkata (WB).
33. Shankar Mistri son of Late Lakhi Mistri, posted as Clerk at RRS, Agwanpur (saharsa), resident of village-West Tola Bholsar, Post Office-Ekchari, Police Station- Rasalpur, District-Bhagalpur.
34. Dineshwar Mandal son of Late Gajadhar Mandal, Retired Clerk, Bihar Agriculture College Campus, Sabour. resident of Village- Premnagar , Post office,



Sabour, Police Station-- Sabour, District-Bhagalpur.

35. Ramawater Yadav, son of Late Damodar Yadav, Retired Clerk, Bihar Agriculture College Campus, Sabour, resident of Village- Mirzapur, Post office, Sabour, Police Station-- Sabour, District-Bhagalpur.

.... 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 Agriculture 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.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anand Kumar Ojha Mr. A.K. Karna, Adv.
For the Respondent/s	:	Mr. Rajeev Shekhar, A.C. to G.A.-13.
For the University	:	Mr. R. L. Das, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date: 14-09-2018

Heard the learned counsel for the petitioner and counsel appearing on behalf of the State-respondent.

Mr. Ojha, learned counsel appearing on behalf of the petitioner submits that the issue involved in the present writ application was decided by LPA Court in L.P.A No.259 of 2015 and following the aforesaid judgment of the L.P.A. No.259 of 2015, a coordinate Bench in C.W.J.C. No.1601 of 2015 disposed of the writ application in the following terms :-

“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.”

In view of the decision of the coordinate Bench relied upon the judgment of the LPA Court in L.P.A. No.259 of 2015, the writ application is also disposed of in similar terms and petitioners of this writ petition shall be entitled to similar benefits which was available to the petitioners of C.W.J.C. No.1601 of 2015.

Necessary decision with regard to the consequential benefit may be taken by respondent authorities within a maximum period of four months from the date of receipt / production of a copy of this order.

With the aforesaid observations and direction, this writ petition is disposed of accordingly.

(Anil Kumar Upadhyay, J)

Sanjeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

