

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4383 of 2014

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Asharfi Roy Son Of Late Ramautar Roy Village - Jitbarpur, P.S. Samastipur,
District - Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Engineer, Water Resources Department, Samastipur
3. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Nath Pathak, Advocate
For the Respondent/s : Mr. S.A. ALAM, Advocate
For the A.G. : Mr. J.K. Roy, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 09-08-2018

Heard learned counsel for the petitioner and the respondent State.

2. The petitioner is aggrieved by non-grant of benefits under Assured Career Progression Scheme. Counsel for the petitioner submits that since he had been reverted from the Class III post on 03.12.2004 and continued on Class IV post till attaining the age of superannuation in the year 2010, he could not have appeared in the accounts examination during the said period as the exam is meant for Class III employees.

3. Counsel for the respondents has submitted that the petitioner continued as a Class III employee from July, 1973 to



February, 2004 in between the said period in 1984 he has passed the second paper of accounts examination but during this 19 long years he had not made any effort to clear the 1st part of accounts examination and now he cannot be permitted to take the benefit of his reversion in the last years of his service to contend that he had no opportunity to appear in the exams.

4. Counsel for the petitioner relying upon averments made in the writ petition has stated that it is his specific case that no examination was conducted from 1985-2004. Therefore, he has been prevented from participating in the departmental examination passing of which was a pre-requisite for grant of benefits under the ACP scheme.

5. Contention has specifically been denied by the respondent State in their counter affidavit. They have also placed on record the Admit Card issued to applicants for accounts examination subsequent to 1984 to 2004. This aspect of the matter has not been denied or controverted by the petitioner even in the reply to the counter affidavit.

6. For non-participation in the accounts examination/non-passing of the pre-requisite account exam for 19 long years in between 1985 -2004, the petitioner has no one to blame but himself. Since petitioner has not participated/passed the examination, which



was a pre-requisite for grant of benefits under ACP scheme he cannot claim benefits under ACP Scheme.

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

(Madhuresh Prasad, J)

Prakash/-

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Transmission Date	

