

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3036 of 2014

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Lal Baboo Prasad Son Of Late Motilal Sahu Resident Of Mahabir Asthan Lane,
Mahendru, P.S.- Sultanganj, District:- Patna

.... Petitioner/s

Versus

1. The State Of Bihar, Through The Chief Secretary, Bihar, Patna
2. The Screening Committee Of Agriculture Department, Bihar, Patna
3. The Agriculture Production Commissioner, Bihar, Patna
4. The Additional Secretary, Department Of Agriculture, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
Mr. Sunil Prasad, Advocate
For the Respondent/s : Mr. Anil Kumar Verma, AC to AAG 9

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 12-07-2018

Heard learned counsel for the petitioner and the
respondent State.

2. Petitioner's claim for 3rd ACP under MACP Scheme
2010 has been rejected during pendency of the writ petition by the
Departmental Screening Committee in decision dated 02.12.2013. The
recommendation of the Screening Committee is for the reasons that
the confidential report of the petitioner as per the bench mark was not
available. Petitioner by way of Annexure 9 series to the writ petition
has annexed copy of the confidential reports issued by the Director
Agriculture, Bihar, Patna in support of his claim. By referring to the
ACRs for the last five years prior to the date on which his case was to



be considered he has submitted that the entries were in accordance with the standards laid down under letter dated 30.03.2011 bearing no. 929 issued by the General Administration Department in as much as the entries are worthy of consideration for grant of ACP.

3. Since from perusal of the decision of the Departmental Screening Committee dated 02.12.2013 appears that his case has not been considered because the ACRs were not received/available before the Screening Committee, interest of justice would be served by remanding the matter for reconsideration on the basis of ACR for the last five years of the petitioner prior to superannuation in June, 2010.

4. Let such consideration be done by the next Departmental Screening Committee likely to be held in July.

5. With the aforesaid direction, the writ petition is disposed off.

6. It is however, observed that if the claim of the petitioner is admissible he would be entitled to all consequential benefits on account of 3rd ACP in accordance with law.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

