IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17963 of 2008

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1. Uma Devi W/o late Jagdish Choudhary
2. Ravish Choudhary S/o late Jagdish Choudhary
   Both Resident of Village- Hasanpur Bazar, P.O. & P.S. Nowkothi, District-Begusarai, at Present resident of Mohalla- Baghi, P.O. Subird Nagar, P.S. Town, District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Chief Engineer, Building Construction Department Saharsa.
3. The Superintending Engineer, Building Construction Department, Building Circle, Saharsa.
4. The Executive Engineer, Building Construction Department, Building Division Madhepura.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Ram Sumiran Rai, Adv.
For the Respondent/s : Mr. Ravi Bhardwaj, AC to GA-13

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 10-01-2018

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

In this case, the petitioners are claiming that the original petitioner should have been given the benefit of A.C.P., as after attending the age of fifty years, the original petitioner was not required to pass Accounts Examination/Departmental Examination and, accordingly, the petitioner is entitled for exemption as also grant of benefit of enhancement of the pay-scale.

Admittedly, the petitioner has neither passed the

Accounts Examination as per counter affidavit nor had taken effort to clear the hurdle of passing the examination. As per condition mentioned in the Scheme, it provides that for grant of exemption of passing the Accounts Examination, would be given to those who have to take effort to clear the examination, in failure, the exemption will be granted by the Divisional Commissioner.

The original petitioner has died, the wife of the petitioner is before this Court, let the present petitioner should file a detailed application, if so advised, and the Divisional Commissioner will call for the records and, after holding an enquiry, will take decision with respect to grant of exemption to clear the Accounts Examination as also examine as to whether any account examination was conducted.

With the aforementioned observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.01.2018
Transmission Date	NA