

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20356 of 2014

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Shri Mani Kant Prasad Gupta S/o Late Chulhay Prasad Gupta, Resident of
Village:- Indupur (Mirzaganj), P.O. + P.S.:- Badhiya, District :-
Lakhisarai(Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Human Resource Department, Government of Bihar, Patna.
3. The Director (Primary Education), Education Department, Government of Bihar, Patna.
4. The District Education Officer, Bhagalpur.
5. The District Program Officer (Establishment), Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Ranjan
For the Respondent/s : Mr. Sc8- Kumar Alok

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
Date : 17-09-2018

The present writ application has been filed by the petitioner for a direction to the respondents to consider the case of the petitioner for grant of first and second financial up-gradation under Modified Assured Career Progression Scheme, 2010 (MACP).

2. This matter was listed on different dates but no one appeared on behalf of the petitioner to assist the Court.

3. Under the compelling circumstances, today this case has been listed under the heading “for dismissal” to provide one more opportunity to the counsel for the petitioner to assist the court. Unfortunately, even today also no one appears on behalf



of the petitioner to assist the Court and as such the Court is constrained to decide the present writ application on the basis of pleadings.

4. As stated above, this writ petition was filed for a direction to the respondents to consider the case of the petitioner for financial up-gradation under MACP Rules.

5. In the counter affidavit filed on behalf of the respondents, a specific averment has been made in paragraph -6 and 7 that the case of the petitioner is under consideration and if the petitioner would be found eligible for grant of M.A.C.P the same would be redressed accordingly.

Paragraphs 6 and 7 reads as follows:-

“6. That it is humbly submitted that the claim o the petitioner with regard to grant of benefit of A.C.P. has been received from the District Programme officer(Establishment), Bhagalpur and a consolidated list of other such persons/employees whose claim application have been received with respect of grant of the A.C.P. benefit, is being prepared and the same shall be placed before the meeting of the Screening Committee scheduled to be held in the month of July 2015 in view of the resolution vide memo no. 7566 of the Finance Department Government of Bihar dated 14.07.2010 relating to Modified A.C.P. Scheme 2010.



7. That it is further stated that the claim of the petitioner shall be considered by the Screening Committee and if the petitioner would be found entitled the grievance of the petitioner raised in the instant writ petition shall be redressed accordingly.

6. The counter affidavit was filed on 25.06.2015. We are in 2018.

7. In view of the averment made in paras-6 and 7 of the counter affidavit, the writ petition is disposed of with direction to the respondents to take final decision with regard to claim of the petitioner for grant of first and second financial upgradation in terms of MACP Rules, 2010 if not already taken within a maximum period of four months from the date of receipt/production of a copy of this order with all consequential benefit.

8. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24.09.2018
Transmission Date	

