

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.220 of 2015**

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Ajay Shankar Jha Son of Late Srikant Jha Resident of Village - Khushaul, Post  
Office - Banki Via Madhepur, District – Madhubani .... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The District Magistrate Cum Collector, Gopalganj.
3. The Circle Officer, Hathua Circle, District -Gopalganj.
4. The Accountant General (A & E) II , Birchand Patel Path, Patna.

.... .. Respondents

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**Appearance :**

For the Petitioner : Mr. Amir Alam, Advocate  
For the Respondents : Mr. Parijat Saurav, AC to AAG 10  
For the AG, Bihar : Mr. S.M.Ahtesham, Advocate

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**

**ORAL JUDGMENT**

**Date: 29-01-2018**

Heard learned counsel for the petitioner, the State and the  
Accountant General, Bihar.

**2.** The writ petition has been filed for grant of benefits of Assured Career Progression (ACP) as well as Modified Assured Career Progression (MACP) to the petitioner with effect from 09.08.1999 with all consequential benefits.

**3.** Counter affidavit has been filed by the State wherein it has been stated that the petitioner's claim for grant of benefits of ACP was discussed in the meeting of the District Screening Committee on 16.05.2015 and was disallowed due to unavailability of the Service book and Confidential remarks of the petitioner.

**4.** The said reason seems to be unsustainable in law as



the onus of making available the Service book and the Confidential remarks of the petitioner before the District Screening Committee would be upon the respondents themselves. Since this is the only basis of disallowing the claim of the petitioner, this Court is of the opinion that denial of ACP to the petitioner is unsustainable in law. Respondents may consider the claim of the petitioner from the due date after obtaining copies of his Service book and the Confidential remarks from the custodian authority of the State Government and after considering the same, respondents would be obliged to pass order making available the benefits of ACP or rejecting the same by a reasoned and speaking order in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

5. The writ petition stands disposed of.

(Madhuresh Prasad, J)

Shashi.

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