

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15971 of 2010

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Md. Roohul Amin S/o Late Md. Mojibur Rahman R/o Mohalla-Eqbal
Nagar, P.O.- Line Bazar (Jhanda Chowk), P.S.- Khazanchihat (Sahayak),
Distt.- Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director, Mass Education Human Resources Development
Department, Government of Bihar, Patna
3. The District Mass Education Officer, Purnea
4. The District Mass Education Officer, Begusarai

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Syed M. Ashraf
For the Respondent/s : A.C. to G.A.-10

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 19-06-2018 The petitioner by way of the present writ petition has prayed
for directing the respondents to grant the benefits of 1st and 2nd
A.C.P.

The learned counsel for the petitioner submits that the
benefits of the 1st and 2nd A.C.P. has not been granted to the
petitioner on account of pending charges.

Having regard to the facts and circumstances of the present
case, this Court is of the view that the benefits of A.C.P. cannot be
denied to the petitioner on account of pendency of either
departmental proceeding or criminal charges since grant of A.C.P.
is not a promotion in the strict sense. The grant of A.C.P. is only
to remove stagnation of a particular post on account of non-grant



of promotion to the incumbent. In fact, no circular / notification / resolution of the Government has been brought to the notice of this Court by the respondents to contend that in such a situation the benefits of A.C.P. can be denied. Moreover, grant of A.C.P. is not a promotion in the sense of the term of a vertical movement from a lower post to a higher post but only grant of certain monetary benefits on the same post.

For the reasons mentioned herein above, the writ petition is allowed and the authority is directed to examine the case of the petitioner and grant the due A.C.Ps. within a period of four weeks from today.

(Mohit Kumar Shah, J)

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