

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18082 of 2010**

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1. Ajit Kumar S/O Sri Janardan Prasad Singh R/O Mohalla- New Area,  
Patalpuri Mandir, P.O.- Nawada, P.S.- Nawada, Distt.- Nawada

.... .... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary Govt. Of Bihar, Patna  
2. The Registrar (Admn.) High Court Of Judicature At Patna  
3. The District & Sessions Judge, Nawada, Distt.- Nawada  
4. Arun Kumar Singh, Ftc - Cum - Chairman Acp Scheme Screening  
Committee, Nawada Judgeship, Nawada, Distt.- Nawada

.... .... Respondent/s

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**Appearance :**

|                      |   |                               |
|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr. Dinu Kumar                |
|                      | : | Miss Ritika Rani              |
|                      | : | Mr. Ritu Raj                  |
|                      | : | Mr. Vijay Vimal               |
| For the Respondent/s | : | Mr. Manoj Kr. Ambastha, SC 26 |
|                      | : | Mr. Subodh Kumar, AC to SC 26 |
| For Patna High Court | : | Mr. Piyush Lal                |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

3      21-06-2018                      The present petition has been filed for grant of  
  
first A.C.P. w.e.f. 24.06.1997 and second A.C.P. w.e.f.  
24.06.2009.

The respondents no. 3 and 4 have filed counter  
affidavit in the present case and in paragraph no. 13, it has been  
stated that the appointment of 124 IIIrd grade employees of  
Nawada judgeship was questioned by the Accountant General,  
Bihar and the matter is pending before the Law Department since  
the year 2008. This is a very peculiar situation wherein the  
petitioner has been denied the benefits of first and second A.C.P.,



although he is entitled for the same and his claim has not been denied by the respondents, however merely on the pretext that the appointment of the petitioner and others have been questioned by the Accountant General and the matter is pending before the Law Department since more than a decade, the benefits have been sought to be denied and it has been stated in the counter affidavit that the benefits would be given after the opinion of the Law Department is received.

The rights of the petitioner cannot be trampled indefinitely on one pretext or the other, hence this Court finds that, pending decision to be taken by the State Government regarding the veracity of the appointment of the petitioner herein, the benefits of the first and second A.C.P. should be granted to the petitioner herein within a period of 6 weeks from today.

The writ petition is allowed.

**(Mohit Kumar Shah, J)**

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