

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3480 of 2019

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Ratneshwar prasad Singh, Son of Nabit Singh Resident of Village- Sisauni,
P.S- Derni, District- Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Bihar, Patna
2. The Principal Secretary, Department of Education, Bihar, Patna Bihar
3. The Director, Primary Education, New Secretariat, Bihar Patna Bihar
4. The District Education Officer, Saran at Chapra Bihar
5. The District Programme Officer, Establishment, Saran at Chapra Bihar
6. D.A.V Middle School, Sahebganj, District- Chapra, through its Secretary
7. The Secretary, Managing Committee, D.A.V. Middle School, Sahebganj, District- Chapra
8. The Headmaster, D.A.V. Middle School, Sahebganj, District- Chapra

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Respondent/s : Smt.Binita Singh (SC-28)
Mr. Vivek Anand, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 26-09-2019 Heard learned counsel for the petitioner and the respondents.

The grievance of the petitioner in the present writ application is non-consideration of the case of the petitioner for grant of senior pay scale by granting benefit of MACP/ACP.

The petitioner has placed reliance on the letter of the Human Resources Development Department, Bihar dated 20.02.1990 to contend that whatever available to the Government institution, the same is ipso facto available to the



teachers of the Minority School, Aided School and all other Sanskrit or Madarsa School. He submits that notwithstanding the decision of the State Government dated 20.02.1990, the petitioner has not been granted the benefit of MACP/ACP Scheme.

The benefit of MACP/ACP is regulated by the Rules and unless there is conscious decision ipso facto, the benefit under ACP/MACP is not available in institution other than where the ACP/MACP scheme has been introduced.

Mr. Sanjay Kumar, learned counsel for the petitioner referring to the decision of the State Government dated 20.02.1990 submits that it is the conscious decision of the Cabinet and as such the petitioner is entitled to the said benefit.

Considering the aforesaid submission, the writ application is disposed of with a direction to the District Education Officer, Saran, Chapra to take appropriate decision with regard to the claim of the petitioner in the light of the letter of the State Government dated 20.02.1990 and if admissible, the benefit of in terms of aforesaid letter may be extended to the petitioner in accordance with the prevalent rule.

Necessary decision in this regard may be taken by the respondent District Education Officer, Saran, Chapra within a



maximum period of six months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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