

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No 4729 of 2016**

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Guneshwar Prasad Sinha @ Guneshwar Prasad Singh, Son of Sri Nand Kishore Singh, Resident of Village - Gulni Kushaha, P.S. Shambhuganj, District - Banka at Present Working as Anurekhak/TRACER and Posted at Design Division No. 1, Department of Water Resources, Bhagalpur under the Government of Bihar, Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Water Resources, Sinchai Bhawan, 3rd Secretariat, Bihar, Patna
3. The Chief Engineer, Department of Water Resources, Bhagalpur
4. The Superintending Engineer, Irrigation Circle, Bhagalpur
5. The S.E., Design Circle, Department of Water Resources, Bhagalpur
6. The Executive Engineer, Design Division No. 1, Department of Water Resources, Bhagalpur

... .. Respondent/s

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| For the Petitioner/s | : | Mr Kalika Nand Jha, Advocate |
| For the Respondent/s | : | Mr Mahtab Alam, AC to SC XX  |

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**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**  
**ORAL JUDGMENT**

**Date : 14-11-2019**

Heard learned counsel for the petitioner and the respondent-State.

Petitioner claims that he is entitled to benefits of Assured Career Progression (For brevity, ACP) treating him to have been appointed with effect from 13.08.1986 whereas the respondents, in the counter affidavit, have come out with the specific plea of the petitioner's services which are as follows:

The petitioner was appointed as Anusewak on 13.07.1979. Thereafter, his services were regularized on



24.05.1983 by the Chief Engineer, Bhagalpur under Letter dated 04.06.1994. The petitioner was, thereafter, promoted as Anurekhak on 12.08.1986 on provisional basis for six months.

The petitioner claims that there are sufficient documents to show that the same was not a promotion but was actually an appointment.

The facts in issue to the extent that prior to have been appointed as Anurekhak, petitioner was already in service as Anusewak is not an issue which has been denied or disputed by filing any rejoinder in the instant proceedings though specific stand has been taken to this effect in the counter affidavit filed by the respondent-Executive Engineer.

In view of the aforesaid circumstances, this Court does not find any reason to interfere with the grant of benefits under ACP as has been done by the respondent-Authority treating the petitioner to have been promoted with effect from 13.08.1986.

Writ petition stands dismissed.

**(Madhuresh Prasad, J)**

**M.E.H./-**

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