

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5438 of 2019

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1. Ishwar Chandra Jha Son of Late Bhuvneshwar Jha Resident of Village and Post-Haripur, Bakshi Tol, P.S.-Kaluahi, District-Madhubani.
 2. Shiv Chandra Jha Son of Late Gulab Jha Resident of Village and P.O.-Shrirampur, P.S.-Laheriasarai, District- Darbhanga.
 3. Kamod Narayan Kumar Son of Late Ram Chandra Kumar Resident of Village and Post-Kutka, P.S.-Singhwar, District-Darbhanga.
 4. Rekha Rani Wife of Sri Arun Kumar Thakur Resident of Ward No. 07, Behind N.R.N. College, Samastipur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Principle Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Mass Education, Government of Bihar, Patna.
4. The Principle Secretary, Social Welfare Department, Government of Bihar, Patna.
5. The Director, Integrated Child Development Service, Social Welfare Department, Government of Bihar, Indira Bhawan, Bailey Road, Patna.
6. The Collector, Samastipur.
7. The Additional Collector, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Kaushalesh Chaudhary, Advocate
		Mr. Shambhu Nath Jha, Advocate
For the Respondents	:	Mr. Pramod Kumar Singh, AC to SC-16

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 09-04-2019

Heard the learned counsel for the petitioners and
the State.

2. The petitioners have approached this Court for
a direction to the concerned respondents to grant benefit
of ACP and MACP from due date and payment of all other



consequential benefits thereof to which the petitioners are entitled.

3. It has been submitted on behalf of the petitioners that the issue in dispute has been decided by a bench of this Court vide order dated 01.03.2017 passed in C.W.J.C. No. 11936 of 2011 (Annexure-3). Most of the employees, similarly circumstanced, have been paid the benefits which are being demanded by the petitioners but in the case of the petitioners, the screening committee examined the issue and over the dispute with respect to the reckoning of the respective dates of appointments in two different organizations, the matter was deferred awaiting the opinion of the promotion committee headed by the Collector. This decision was taken by the screening committee on 08.07.2017, but till date the report of the promotion committee has not been obtained. This has kept the petitioners in lurch and even though similarly circumstanced persons are getting the benefits of such



financial progression under the ACP and MACP scheme, petitioners are being unlawfully denied the same.

4. Under the aforesaid circumstances, this Court only deems it appropriate to direct the petitioners to make a fresh representation before the District Magistrate, Samastipur within a period of four weeks from today, who after verifying the records of the case of the petitioners, judgment delivered in *Bipin Bihari Roy Vs. the State of Bihar & Ors.* and the opinion of the screening committee, shall pass a reasoned order in accordance with law within a further period of four weeks thereafter. If the claim of the petitioners is found to be tenable, necessary sequel order shall be passed within the aforesaid period.

5. With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.04.2019
Transmission Date	

