

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13268 of 2014

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Nandu Choubey son of Late Ramanuj Choubey resident of Village P.O. -
Parchha, P.S. - Chutia, District - Rohtas.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, Rohtas.
4. The Deputy Collector Estb, Rohtas at Sasaram.
5. The Accountant General A and E, Government of Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Rakesh Narayan Singh
For the Respondent/s	:	Ms. Archana Meenakshee, GP 6
For Accountant General	:	Mr. Vivekanand Kumar

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-07-2019 Petitioner's claim for grant of benefits under the assured career progression scheme (ACP) has been rejected by assigning reason that he has not passed requisite departmental examination.

Petitioner's Counsel submits that the post of Amin, on which the petitioner was working, had no promotional avenue. Relying upon the decision of the Division Bench of this Court in the case of Shiv Chandra Gupta vrs. State of Bihar in the proceedings arising out of LPA No. 1138 of 2014 he submits that in view of aforesaid facts claim of the petitioner cannot be rejected on the ground on which it has been done.



Since there is no avenue for promotion, denial of ACP on the ground that the petitioner has not passed departmental examination is unsustainable. The proposition of law advanced by petitioner's Counsel cannot be denied having regard to the decision of the Division Bench referred by the petitioner's Counsel.

Whether the facts in the case of the petitioner are covered by the said decision is an issue which has to be examined by District Magistrate, Rohtas, respondent No. 3. having regard to the law as per Division Bench judgment taken note of hereinabove.

In the circumstances, petitioner should make a detailed representation relying upon the said decision and if the same is made before respondent No. 3 within a period of four weeks from today, the District Magistrate should dispose it of in accordance with law within a period of three months thereafter. The dues, if found admissible to the petitioner, should also be paid within the aforesaid period.

The writ petition stands disposed of.

(Madhuresh Prasad, J)

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