

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13266 of 2014

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Sarup Lal Thakur S/o Late Muneshwar Thakur resident of village - Nabada,
P.S. Sakri, District - Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Engineer-in-Chief, Water Resources Department, Bihar, Patna.
3. The Chief Engineer, Water Resources Department, Darbhanga.
4. The Superintending Engineer, West Kosi Nahar Anchal, Jhanjharpur,
Madhubani.
5. The Executive Engineer, West Kosi Nahar Anchal, Khutauna, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Abhay Kumar Singh
For the Respondent/s : Mr.Birju Prasad, GP 13
Mr. Ravi Kumar, AC to GP13
Mr. Anmol Kumar, AC to GP13

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-07-2019 Counsel for the petitioner is permitted to implead

Divisional Commissioner, Darbhanga as respondent no.6 to the

writ petition in course of the day.

Heard counsel for the petitioner and counsel for the
respondents-State.

Petitioner claims in the instant case for grant of
benefit under ACP. He has further claimed that in light of
Government Circular dated 15.05.1992 bearing no. 4674, he is
entitled to benefit under ACP after giving him exception from
passing departmental examination. Application for such purpose
is said to have been filed before the Divisional Commissioner,



Darbhanga on 30.08.2005.

Application said to have been filed for exemption is not on record in the instant case. Neither petitioner has placed the same on record nor respondent-State has referred to any such application being filed by the petitioner. Other than averment made in the affidavit, there is nothing on record to show that the petitioner has ever filed such application seeking exemption in light of Government Circular dated 15.05.1992. Claim of the petitioner is based on exemption under said circular. Therefore, application for the same has to be made by the petitioner before the competent authority only thereafter his claim can be considered.

Petitioner may file application for exemption as claimed before the Divisional Commissioner, Darbhanga (respondent no.6). In case such application is filed within four weeks, respondent no.6 should consider the claim of the petitioner and dispose it of by reasoned and speaking order in accordance with law within three months thereafter.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

s.hassan/-

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