

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 14736 of 2014

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Shree Krishna Roy son of Late Navi Ray resident of Village Post - Alampur
via Sindhiya Ghat, Police Station - Bibhutipur, District - Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Industries Department,
Government of Bihar, New Secretariat, Patna
2. The Director, Industries Department, Government of Bihar, Patna.
3. The Deputy Development Officer, Upendra Maharathi Shilp Anusandhan
Sansthan, Patna - 800013.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Suraj Narain Yadav. Ms Puja Shree, Ms Annu Shree, Advocates
For the Respondent/s	:	Mr Ajay Behari Sinha, GA VIII Mr Suryakant Kumar, AC to GA VIII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 17-09-2019

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

2 The short submission advanced by the petitioner's
counsel is that the requirement of passing Departmental Accounts
Examination cannot be imposed as there is no next level post
available for promotion to the petitioner. In the circumstances, it
is submitted that the benefits of Assured Career Progression (for
brevity, ACP) should be extended to the petitioner as has been
done in the case of another similarly situated, namely, Anandi



Prasad Singh in order dated 12.04.2019 passed in CWJC No 17668 of 2011. The respondent-Authorities, in their counter affidavit, have also stated that the issue is pending consideration in the other writ proceedings of similarly situated persons including Anandi Prasad Singh (supra) in CWJC No 17668 of 2011.

3 In the case of Anandi Prasad Singh (supra), this Court, under order dated 12.04.2019, has allowed the writ petition and directed that the case of the petitioner be considered for grant of ACP and benefits found due and admissible be paid to the petitioner. Parity in the claim of the petitioner with that of Anandi Prasad Singh (supra) is not denied as reference to the claim of Anandi Prasad Singh (supra) has been made by the respondents themselves in their counter affidavit in paragraph 6.

4 In view of the aforesaid circumstances, the petitioner's claim is also entitled to be considered for grant of benefits under ACP, without raising the requirement of having passed the Departmental Accounts Examination. The Authorities are obliged to extend the same benefit to the petitioner as has been done in the case of Anandi Prasad Singh (supra) as petitioner's claim would come within "covered matters" as per Clause 4.C (1) of the Bihar State Litigation Policy, 2011.



5 Let the benefits of ACP be granted to the petitioner in accordance with law by the Authorities expeditiously and without any undue delay and preferably within three months from the date of receipt/production of a copy of this order.

6 Writ petition is allowed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.09.2019
Transmission Date	NA

