

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8087 of 2015

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Sri Ram Subhag Singh S/o Late Chandrama Singh Resident of Village
Dharampur, P.S. Sandesh, District Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Engineer-in-Chief-cum-Additional Secretary-cum-Special Secretary,
Water Resources Department, Govt. of Bihar
3. The Chief Engineer, Water Resources Department, Dehri.
4. The Commissioner, Patna Division, Patna.
5. The Superintending Engineer, Water Resources Department, Bhabhua.
6. The Executive Engineer, Water Resources Department, Bhabhua.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ranjit Sinha Mr. Prakash Kumar
For the Respondent/s	:	Mr.Dhurjati Kr Prasad, GP 14

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 07-08-2019 Heard counsel for the petitioner and counsel for the
respondents-State.

Petitioner has claimed grant of Assured Career Progression. It is petitioner's case that throughout his career, he has worked as Muharir and there was no promotional avenue from the post of Muharir. In the circumstance, relying upon the decision of the Division Bench in the case of Ramadhar Thakur vs. State of Bihar & ors in LPA no. 559/2015, he submits that since there was no promotional avenue petitioner could not be deprived of progression under ACP scheme on account of non-passing of departmental examination.

Since there was no promotional avenue requirement of passing departmental examination so as to acquire eligibility/ fitness



for promotion should not be enforced in respect of petitioner's claim as there was no promotional avenue. Specific reliance has been placed on Ramadhar Thakur (supra).

In spite of specific opportunity being granted earlier the State authorities have failed to state even in the supplementary counter affidavit filed today that there was any promotional avenue for the petitioner.

In the circumstance, claim of the petitioner is squarely covered by the decision of the case of Ramadhar Thakur (supra). This court would, therefore, direct the respondent-authorities to consider petitioner's claim without raising objection regarding passing of departmental examination and proceed to grant due benefit under ACP and MACP scheme to which petitioner is otherwise entitled.

Authorities should consider claim and take decision in this regard and grant benefit dues to the petitioner within three months from the date of receipt/production of a copy of this order.

Writ petition is allowed.

s.hassan/-

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(Madhuresh Prasad, J)

