

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16835 of 2019

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Upendra Kumar S/o Late Mahesh Prasad Singh R/o Village Deodaha,P.S.
Dhanarua,Dist.Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar,Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar,Patna.
3. The Principal Secretary, Department of Finance, Govt. of Bihar,Patna.
4. The Director (Secondary Education), Govt. of Bihar,Patna
5. The Regional Deputy Director of Education, Patna Division,Patna
6. The District Education Officer, Patna
7. The District Programme Officer (Establishment),Patna
8. The District Programme Officer (Secondary Education), Patna
9. The Accountant General, Bihar at Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Amarendra Kumar, Advocate
For the State	:	Mr.Subhash Chandra Mishra (SC-16)
For the A.G. Bihar	:	Mr. Satyendra Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 20-08-2019 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

The grievance of the petitioner in the present writ
petition is discrimination in the matter of grant of MACP.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner was appointed on 24.2.1978. he was
granted first time bound promotion w.e.f. 24.2.1990. Thereafter
he was granted second time bound promotion with effect from
4.3.2014.



Learned counsel appearing on behalf of the petitioner further submits that in terms of the ACP and MACP scheme introduced by the respondents, the petitioner is eligible for grant of benefit. Similarly circumstanced others have been granted the benefit of ACP/MACP but the case of the petitioner was ignored by the respondents. Referring to Annexure-3 he submits that Regional Deputy Director of Education has issued direction to all the District Education Officer to grant MACP to all eligible teachers vide letter dated 2.4.2019 but till date the grievance of the petitioner has not been redressed. The petitioner superannuated on 30.11.2014. He submits that now the respondents have communicated that the service book of the petitioner is missing and as such they have not granted the benefit in terms of the ACP/MACP scheme. The maintenance of the service book is responsibility of the respondents and if the same is missing it is the responsibility of the respondents to reconstruct the service book and the petitioner cannot be made to suffer on account of their lapses in not properly maintaining the service book.

Considering the aforesaid, the writ petition is disposed of with a direction to the District Education Officer, Patna to look into the grievance of the petitioner and ensure



reconstruction of the service book and also grant of benefit on the line of similarly circumstanced other teachers who have been granted the benefit of ACP/MACP with all consequential benefits within a maximum period of three months from the date of receipt/production of a copy of this order .

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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