

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1633 of 2018

In
Civil Writ Jurisdiction Case No.7373 of 2014

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Abdul Hafiz Son of Late Md. Ishaque resident of Village and P.O- Tarwan
Mangarpal, P.S- Dariyapur, District- Saran.

... .. Appellant/s

Versus

1. The State Of Bihar through the Principal Secretary, Home Jail Department,
Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, (Home) Jail Department, Government of Bihar, Old
Secretariat, Patna.
3. The Inspector General (Prison), Old Secretariat, Patna.
4. The Director, Directorate of Probation Service, Old Secretariat, Patna.
5. Principal Probation Officer, District Probation Office, Central Jail, Beur,
Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rakesh Kumar Soni
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-07-2019

I.A. No. 237 of 2019

After having heard learned counsel for the
appellant, we are satisfied that the sufficient cause has been
shown to condone the delay.

Delay is accordingly, condoned and the appeal
shall be treated to be within time.



L.P.A. 1633 of 2018

Heard learned counsel for the appellant.

The appellant is claiming the A.C.P. benefits which he has been denied on the ground that he did not appear in the qualifying examination for the same.

Learned counsel has relied on the A.C.P. Rules promulgated vide a notification dated 25th of June, 2003 to contend that this is not a claim of promotion but a claim of financial upgradation for which it is not necessary to clear any such examination.

We do not find any such provision whereby the applicant stands exempted from appearing in the examination or passing the eligibility conditions which are required for the grant of A.C.P., which also includes the clearing of the examination. Learned Single Judge has, therefore, arrived at a correct conclusion.

Learned counsel then submitted that some of the employees had been extended such benefits which violates Article 14 of the Constitution of India.

It is well settled that equality in illegality cannot be a ground to question an administrative decision, as is being argued.



The appeal is accordingly rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Saif/-

AFR/NAFR	
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