

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7526 of 2020

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1. Om Prakash Son of Mahesh Chandra Jha, Resident of Smriti Bhawan, West Boring Road, Near Devi Mandir, P.S.- Budha Colony, District- Patna.
 2. Prakash Chandra Jha, Son of Kameshwar Jha, Resident of Mohalla - Dhaboulli, P.S. Pattarghat, District- Saharsa.
 3. Raj Kuamr Sinha Son of Late Umesh Prasad Sinha, resident of Village- Chandpur Bela, Azad Lane P.S. - Jakkanpur, District- Patna.
 4. Deepak Choudhary S/o Late Himanshu Bhushan Choudhary, Resident of Chhaterjee Lane, House No. 10, Road No. 6 D, P.S. Gardanibagh, District- Patna.
 5. Bimal Kumar Dutta, S/o Late Ram Prasad Dutta, Resident of flat No. 104, Prakesh Regency Road No. 10 East Patel Nagar, P.S. Shastrinagar, District- Patna.
 6. Mandareshwar Mishra, Son of Late Ganesh Prasad Mishra, Resident of Chajjubagh, T. N. Banerjee Road, P.S.- Gandhi Maidan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Finance Department, Government of Bihar, Old Secretariat, Bailey Road, Patna.
2. The Accountant General, Bihar, Patna.
3. The District and Sessions Judge, Civil Court, Patna.
4. The Registrar, Civil Court, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh
For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 16-09-2020 Heard learned counsel for the petitioners, State and the learned Accountant General.

2. Six Petitioners have approached this Court for a direction to the respondent no.3 to grant the benefit of Modified Assured Career Progression (MACP).

3. Learned counsel for the petitioners submits that the



issue with regard to entitlement of MACP is no more res integra. In fact, the respondents have taken decision to grant the benefit of MACP dated 24.7.2018 vide memo no. 11516. The High Court in the administrative side directed the respective judgeship of State of Bihar to ensure strict compliance as made by the law department vide letter dated 25.4.2017 and 10.4.2018 with regard to entitlement of MACP to the respective district judgeship.

4. Learned counsel appearing on behalf of the petitioners relied upon the decision of this Court in C.W.J.C. No. 7494 of 2019 dated 03.05.2019 in the case of **Krishna Kumar Pandey vs. Bihar Rajya Dwara Sachiv, Bihar Sarkar, Patna and Ors.** to contend that this Court has in similar facts situation directed the District and Sessions Judge, Patna to dispose of the representation by reasoned speaking order with regard to grant of MACP.

5. The petitioners in the present writ application has referred to the cases of certain retired employees in para-12 of the writ petition who have been granted the benefit of MACP, namely, Chand Zafar Mohan, Smt. Bahrueti Verma, Sri Ashok Kumar Sharma, Sri Alim Asharaf, Smt. Tazim Mehandi Fatma and Sri Rabindra Kumar Singh.



6. Considering the aforesaid facts and circumstances, the Court is constraint to dispose of the writ petition with a direction to the respondent no.3 to immediately take decision with regard to entitlement of the petitioners for grant of the benefit of MACP, if not, already granted within a maximum period of sixty days from the date of receipt/production of a copy of this order with consequential benefit and the benefit of MACP cannot be granted on pick and choose basis. The policy decision and the scheme of MACP is for uniform application and it applies to all similarly circumstanced and does not permit pick and choose and discrimination in any manner.

7. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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