

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5 of 2021

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1. Rabindra Kumar Jha, son of Late Durganand Jha Resident of village - Simaria, P.S. - Jokihat, District- Araria at present residing at 403-B Aparna Dyal Residency Mitra Mandal Colony, P.S. Phulwari, District- Patna.
 2. Manoj Kumar son of Sri Rudal Singh Resident of village - Rupauli, Circle- Ruapuli, District- Purnia.
 3. Anup Kumar son of Sri Shiv Nandan Prasad Resident of village - Bardih, P.S. - Islampur, District- Nalanda at present residing at Near Satsang Vihar, halim Chowk, District- Kishanganj.
 4. Gajendra Kumar Sharma son of Sri Badri Sharma, Resident of village - Umapur, P.s. - Bhagawanpur, District- kaimur.
 5. Nand Kumar son of Late Kamalapati Singh Resident of village - Turkaul, Circle and District- Jehanabad.
 6. Uma kant Mandal son of Sri Srikant Mandal Resident of village - Jayanti Gram, Ganga Parshad, District- Sahebganj (Jharkhand).
 7. Prahalad Kumar Paswan son of Sri Basudeo Paswan Resident - Dumaria, P.S. - Kishanganj, District- Kishanganj.
 8. Sarvesh Kumar son of Late Shiv Sharan Singh Resident of village - Chakaraja, Singriawan, District- Patna.
 9. Arvind Kumar Mandal son of Late Bhushan Prasad Mandal Resident of village - Babupur, P.S. - Pirpanti, District- Bhagalpur.
 10. Zahir Alam son of Habibpur Rahman Resident of village - Poonas, P.S. - Kochadhaman, District- Kishanganj.
 11. Barun Kumar Yadav son of Sri Sachchidanand Yadav Resident of Madhubani, District- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector Kishanganj Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Additional Chief Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Principal Secretary, Finance Department, govt. of Bihar, Patna.
5. The District Magistrate, Kishanganj.
6. The District Establishment Deputy Collector, Kishanganj (Zila Sthapana Up-Samaharta, Kishanganj).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate
For the Respondent/s : Ms. Anuradha Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI



ORAL JUDGMENT

Date : 27-10-2021

Heard learned counsel for the petitioners and the State.

2. In the instant case, the petitioners have prayed for following reliefs:

“For issuance of an appropriate writ/writs and order/orders in the nature of mandamus for directing and commanding the respondents to grant First M.A.C.P./ACP w.e.f. 2013-2014, i.e., after completion of 10 years service in the pay scale of P.B.-02 (9300-34800) and Grade Pay 4200 and to pay the arrear as well as revised salary to the petitioner on said scale from their respective due date as the persons appointed similar to the petitioners in the other districts like Purnea, Begusarai and Kaimur etc. have been granted M.A.C.P./ACP from the due date in the said scale and further for any other appropriate relief or relieves for which the petitioners are entitled in the facts and circumstances of the instant case.”

3. The short question arises in the present petition is whether the petitioners are entitled M.A.C.P./ACP in accordance with the policy decision of the State Government or not. In this regard, the petitioners have filed representation on 28.06.2016 and the Office Order bearing Memo No. 282 dated 17.03.2017 issued by the District Magistrate, Kishanganj vide Annexure-14 & 15 respectively.

4. The concerned official respondent has not passed any order either in considering the grievance of the petitioners or rejecting the grievance of the petitioners in accordance with policy



decision relating to M.A.C.P./ACP. Therefore, the concerned official respondent is hereby directed to redress grievance of the petitioners in accordance with the policy decision governing MACP/ACP.

5. If the petitioners fulfil the requisite conditions relating to grant of M.A.C.P./ACP in that event the concerned respondent is hereby directed to extend the benefit within a period of four months from the date of receipt/production of a copy of the order. In the event that the petitioners do not fulfil requisite conditions for the purpose of granting M.A.C.P./ACP necessary speaking orders shall be passed and communicated to each of the petitioners within the above stipulated time.

6. With the aforesaid observation, the writ petition stands disposed of.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.10.2021
Transmission Date	N/A

