

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20219 of 2018

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1. Rabindra Kumar Sharan, son of Late Jagdish Lal, resident of House No. 40, Road No. 6, East Patel Nagar, Patna- 800023.
 2. Prem Narayan, aged about 59 years, son of Sri Mathura Prasad, Jagat Narayan Lal Road, Kadamkuan, Patna- 800003.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna
2. The Principal Secretary, Department of Finance, Old Secretariat, Government of Bihar, Patna.
3. The Agriculture Production Commissioner, Department of Agriculture, New Secretariat, Patna.
4. The Principal Secretary, General Administrative Department, Old Secretariat, Government of Bihar, Patna
5. The Director, Department of Agriculture, New Secretariat, Government of Bihar, Patna- 15.
6. The Principal Secretary, Agriculture Department Old Secretariat, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar, Advocate
For the Respondent/s : Mr. Dhurjati Kr. Prasad- Gp14

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 13-01-2022

This matter is heard via video conferencing due to circumstances prevailing on account of COVID-19 Pandemic.

2. Heard learned counsel for the parties.

3. In the instant petition, the petitioners have prayed for the following reliefs:

“That this writ petition is directed for issuance of writ/writs, order/orders direction/directions to the respondents to give MACP (Modified Assured Career Progression) to the petitioners who have completed



their service of 30 years on 25.09.2010 from 25.09.1980 i.e. the date of their joining in continuity of their service AND/or pass such other order or orders as your lordships may deem fit and proper in the facts and circumstances of the case.”

4. Short question for consideration in the present petition is whether the petitioners are entitled to MACP (Modified Assured Career Progression) on the score that each of the petitioner has completed 30 years of service during the intervening period from 25.09.1980 to 25.09.2010 or not?

5. Even though, in the counter affidavit, it is stated that the petitioners are not entitled to MACP, as claimed by them. At the same time, such statement cannot be taken into consideration unless and until a detailed speaking order is passed and communicated to each of the petitioner so as to enable them to challenge the order.

6. The respondents cannot resort the petitioners to question the validity of the counter statement. Accordingly, the concerned respondent is hereby directed to pass a speaking order in respect of each of the petitioners' grievance while taking note of service particulars of each of the petitioner read with the relevant provisions of law in respect of extending the MACP.



7. Such speaking order must be passed within a period of one month from the date of receipt of a copy of this order and communicate the same to each of the petitioners.

8. If the petitioners are aggrieved by the order to be passed by the respondent, they are at liberty to question the same by filing a fresh petition.

9. With the aforesaid, the petition stands disposed of.

(P. B. Bajanthri, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.01.2022
Transmission Date	NA

