

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19834 of 2014

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Shrutidhar Pathak Son of Late Ram Pratap Pathak R/o Mohalla -Trimurti
Nagar ,South Panchsheel Nagar P.S-Danapur,District-Patna

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Additional Director General (Vigilance) Patna.
3. The Commissioner, (Vigilance), Soochna Bhawan, Bailey Road, Patna
4. The Superintendent of Police (Vigilance), Patna.
5. Reserve Officer (Vigilance),Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Manish Kumar No-2 with Mr. Nilendu Kr. Choudhary, Adv.
For the State	:	Mr. Anirban Kundu SC-24
For the Vigilance	:	Mr. Anil Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 19-12-2022

Heard learned counsel for the petitioner, learned counsel for
the State and learned counsel for the Vigilance.

2. Learned counsel for the petitioner submits that though
the petitioner was willing to go for training at the Police Training
Centre, he could not receive the training because the Authorities
have not sent him for training. He, therefore, submits that he
cannot be made to suffer the consequences of non-grant of benefits
under the Assured Career Progression Scheme (for brevity ‘ACP’).

3. Learned counsel for the State submits that the denial of
benefit under the ‘ACP’ scheme is because the petitioner has not
acquired training at Police Training College (for brevity



‘PTC’) which is mandatory in terms of the rules for RECRUITMENT, TRAINING, EXAMINATION AND POSTING OF STENO SUB-INSPECTOR, STENO ASSISTANT, SUB-INSPECTOR AND TYPIST ASSISTANT SUB-INSPECTOR OF POLICE, as contained in Appendix 42 under Rule-749 of the Bihar Police Manual. Clause- 5 is relevant in this regard; relevant extract of which, reads as follows:-

“5.....They will serve as stenographers for a period of 5 years, after which they will ordinarily revert to district work but before that they shall undergo the usual course of training at the Police Training College for ordinary Police duties.....”

4. Admittedly, the petitioner was not having the ‘PTC’ training, he was not eligible for being granted the benefit under the ‘ACP’ Scheme. The claim had already been rejected by the Authorities on 30.05.2013 (Annexure- R/5 to the counter affidavit). The petitioner was in knowledge of the said fact which is apparent from bare perusal of Annexure- 6, which is a representation dated 05.08.2013, written by the petitioner. The petitioner had never assailed or questioned the rejection of his claim for ‘ACP’, under order dated 30-05-2013 till date. The further, submission is that another similarly situated person, namely, Dayanand Prasad Verma, whose claim has also been



rejected by the same order had moved this Court for grant of the benefit in C.W.J.C. No. 10575 of 2014. The said Dayanand Prasad Verma, had also claimed the benefit by raising a plea that the deficiency of 'PTC' training was not on account of his fault, but because the Authorities did not send him for training, similar as the instant case. This Court had rejected the claim of the said petitioner vide order dated 13.12.2016 (as contained in Annexure-R/9 to the counter affidavit). The submission is also advanced by relying upon paragraphs 7 and 8 of the decision of this Court in the case of *Tarkeshwar Prasad & Ors. vs. the State of Bihar through the Principal Secretary, Water Resources Department & Ors.* reported in **2022(4) P.L.J.R. 595**.

5. It is submitted that since the requirement of acquiring 'PTC' training is not in dispute, the claim of petitioner for grant of 'ACP' is otherwise also not tenable.

6. The specific assertion of the respondents regarding petitioner's claim being earlier rejected vide order dated 30.05.2013 (as contained in Annexure- R/5 to the counter affidavit) as well as rejection of the claim of similarly situated, namely, Dayanand Prasad Verma is not in dispute as there is no reply or rejoinder to the counter affidavit. Also rejection of his claim for ACP by order dated 30-05-2013 has never been



challenged. Not even in these belated proceedings. He, therefore, cannot claim any relief contrary to, or in excess of the order dated 30-05-2013.

7. Considering the said admitted position, writ petition is dismissed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24-12-2022
Transmission Date	

