

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.458 of 2021

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Vishwamitra Kharwar son of Baban Kharwar resident of Village and P.O. Karma, P.S. Buxar, District- Buxar, presently posted as the Revenue Clerk (Rajaswa Karamchari), Circle Officer, Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Joint Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
4. The District Magistrate, Muzaffarpur, District- Muzaffarpur.
5. The Additional Collector, Muzaffarpur, District- Muzaffarpur.
6. The Circle Officer, Bochahan, District- Muzaffarpur.
7. The Circle Officer, Mushahari, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

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

Date : 05-01-2022

The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. State counsel accept notice for respondents.

3. In the instant petition, petitioner has prayed for following reliefs:

“(I) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent Authorities to confirm the services of the petitioner on



the ground that the petitioner was appointed as Revenue Clerk on the recommendation of Commission on 01.07.2005 but even after long 15 years of satisfactory services, the services of the petitioner has not been confirmed by the Respondent Authorities for no reason whatsoever.

(II) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent Authorities for grant of benefit of first Modified Assured Career Progression (hereinafter referred to as MACP) to the petitioner with effect from 01.07.2015 i.e. the date when the petitioner had completed 10 years, of service as a Rajaswa Karamchari in the Respondent Department.

(III) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent Authorities for payment of arrears of salary to the petitioner on grant of such benefit of first MACP with effect from 01.07.2015 for which the petitioner became entitled for the same benefit in accordance with law.

(IV) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

4. Short question for consideration in the present case is whether petitioner is entitled for satisfactory services followed by extending benefits of first MACP w.e.f. 01.07.2015, the date on which he is stated to have completed 10 years of service as a Rajaswa Karamchari in the Respondent



Department. In this regard, petitioner submitted representation and it is pending consideration before the 4th Respondent-District Magistrate, Muzaffarpur.

5. Thus, 4th Respondent is hereby directed to redress the grievance of the petitioner stated in his representation within a period of three months from the date of receipt of this order. If petitioner is otherwise eligible, monetary benefit shall be calculated and disbursed to him.

6. With the aforesaid observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

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CAV DATE	
Uploading Date	
Transmission Date	

