

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9372 of 2022

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1. Rabindra Singh Son of Late Ganesh Singh resident of Village and P.O. Bagdila, P.S.- Jalalpur, District- Saran.
 2. Surendra Prasad Singh resident of Village and P.O. Bagdila, P.S.-Jalalpur, District-Saran

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Finance Department, Government of Bihar, Patna
3. The Secretary (Expenditure) Finance Department, Government of Bihar, Patna
4. The Additional Chief Secretary, Education Department Government of Bihar, Patna
5. The Director, Primary Education, Education Department of Bihar, Patna
6. The District Education Officer, Saran at Chapra, District- Saran at Chapra
7. The District Programme Officer, (Establishment), Saran at Chapra, District- Saran at Chapra
8. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
For the Respondent/s : Mr. Kameshwar Kumar (Gp17)

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 01-12-2022

1. Heard the parties.

2. Both the counsels are *ad idem* that the issue involved in the present writ petition stands finally adjudicated by this court in CWJC No. 2783 of 2021 Chandrakant Vs. State of Bihar and connected cases decided on 23.09.2022, this Court has held as under:-

“31. In view of the above, the contention raised by the petitioners of having benefit of ACP Scheme or



MACP Scheme fails and the order passed by the respondents, dated 10.11.2020 and consequential orders thereto are upheld holding that the petitioners would only be entitled to the benefits grnted to them under Circular, dated 16.11.2000.

32. However, it is further held that the petitioners and other teachers who were wrongfully granted benefit of ACP/MACP would have to get their pay fixation revised and if they have retired, their pension would also be accordingly revised. But, no recovery shall be made for the extra amount which they have received.”

3. The aforesaid judgment and orders passed hereinabove shall apply *mutatis mutandis* to the case of the petitioner too.

4. The writ petition is disposed of accordingly.

(Sanjeev Prakash Sharma, J)

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Item no.11

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