

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.629 of 2021

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Tilak Nath Choudhary, Son of Bhuvneshwar Chaudhary, Resident of Teachers Hostel No. 1, Flat No. 1, B.U. Campus, Damuchak, Post Office-Head Post Office, P.S. Kazi Mohammadpur, District-Muzaffarpur, the retired Junior Engineer (Electrical), B.R.A. Bihar University, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Principal Secretary, Education Department, Government of Bihar, Patna.
4. The Director Higher Education, Education Department, Government of Bihar, Patna.
5. The Vice Chancellor, B.R.A. Bihar University, Muzaffarpur.
6. The Registrar, B.R.A. Bihar University, Muzaffarpur.
7. The Finance Officer, B.R.A. Bihar University, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh
	:	Mr. Santosh Kumar
For the Respondent/s	:	Mr. Zaki Haider
	:	Mr. J.K. Roy 1, SC 13

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

Date : 17-01-2022

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

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“(I) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to grant the benefits of Assured Career Progression (hereinafter referred to as ACP) to the petitioner with effect from 09.08.1999 and second and third Modified Assured Career Progression (hereinafter referred to as MACP) Scheme to the petitioner with effect from 01.01.2009 and 01.08.2015 respectively reckoning the period of services



rendered by the petitioner in the work charge establishment pursuant to the Resolution of the Finance Department contained in memo no. 10710 dated 17.10.2013.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to pay the consequential monetary benefits of assured career progression scheme to the petitioner with interest.

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

3. Short question for consideration in the present petition is that whether petitioner is entitled to A.C.P./M.A.C.P or not? In this regard petitioner submitted representations dated 01.02.2018 and 06.12.2019 (Annexure 13 and 14) respectively.

4. The concerned respondent is hereby directed to examine the service particulars of the petitioner read with the scheme of A.C.P./M.A.C.P. and pass a speaking order as to whether petitioner is entitled to A.C.P./M.A.C.P. as claimed by him or not? Order shall be communicated to the petitioner. The above exercise shall be completed within a period of four months from the date of receipt of this order.

5. Accordingly, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	19.01.2022
Transmission Date	

