

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.354 of 2021

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Shyam Nandan Singh, Son of Late Hridya Narayan Singh, Resident of Village- BARNAW, P.O. BARNAW, P.S.- AYER, Pin- 802203 District- Bhojpur, Presently Residing at Moh- Rajiv Nagar, Road No.14, Near Veer Kunwar Singh Chowk, P.O.- Keshri Nagar, P.S.- Rajiv Nagar, Pin-800024, District-Patna.

... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Finance Department, Govt. of Bihar, Patna.
2. The District and Sessions Judge, Civil Court Sasaram. P.S.-Sasaram, District- Rohtas.
3. The Judge-in-Charge, Civil Court Sasaram, P.S.- Sasaram, District- Rohtas.
4. The Accountant General, Birchand Patel Path, Patna. Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Respondent/s : Mrs. Kumari Amrita, GP-3

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

Date : 24-01-2022

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 writ petition, the petitioner has prayed for the following reliefs:

- (i) For issuance of writ of mandamus directing the Respondent no.2 to examine the entitlements of the petitioner under Modified Assured Career Progression (For short, M.A.C.P.) Rules 2010 taking into consideration the length of service rendered by the petitioner and also the consequential benefits thereof.



(ii) For issuance of directions to Respondent No.2 to consider the case of the petitioner in the light of the Law Department Letter bearing No.3153, dated 10.4.2018 (Annexure-3) for grant of MACP.”

4. Obviously, the petitioner was facing disciplinary proceedings and it was concluded by imposing penalty of censure on 30.07.2021.

5. The petitioner has questioned the validity of imposition of penalty of censure by means of filing supplementary affidavit.

6. In the main petition, the grievance of the petitioner is relating to grant of MACP. MACP has been denied, as the petitioner was facing disciplinary proceedings. Therefore, both the issues are entirely different, hence the petitioner cannot question the validity of penalty in this writ petition where the petitioner has sought for MACP.

7. In the light of these facts and circumstances, the present petition stands dismissed. Consequently, supplementary affidavit filed by the petitioner is also dismissed reserving liberty to the petitioner to initially question the validity of censure. If the petitioner succeeds in censure matter, thereafter the cause of action would arise as to whether the petitioner is entitled to MACP or not.



8. The writ petition stands dismissed.

(P. B. Bajanthri, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.01.2022
Transmission Date	NA

