

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.773 of 2020

Chandra Prakash Narain Shahi, Son of Late Kapildeo Prasad Shahi, Resident of at Race Course Chakkar South, P.S.-Kazi Mohammedpur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
2. The Agriculture Production Commissioner, Department of Agriculture, New Secretariat, Bihar, Patna.
3. The Principal Secretary, Finance, Old Secretariat, Government of Bihar, Patna.
4. The Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
5. The Principal Secretary, Rural Works Department, Bihar, Patna.
6. The Engineer in Chief, Rural Works Department, Bihar, Patna.
7. The Superintendent Engineer, Rural Works Circle, Kishanganj.
8. The Executive Engineer, Rural Works Department, Works Division, Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani, Advocate
For the Respondent/s : Mr.Anwar Karim, AC to G.P.-10

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 11-07-2022 After arguments at the Bar, the issue has narrowed down since the respondent-authorities are placing reliance on Notification dated 25.06.2003 and letter dated 28.08.2009 (Annexure A to the counter affidavit), Clause 2 of which clearly specifies the effective date from which the exemption from passing departmental examination is to be granted. Clause 2 of the Bihar State Employees Service Conditions (Assured Career Progression Scheme) Rules, 2003 reads as follows :

“2. विमुक्ति आदेश 50 वर्ष की आयु के



पूरा होने के बाद आवदेन करने की तिथि से प्रभावी होगा।”.

The petitioner’s counsel thereafter submits that without passing the departmental examination, the petitioner was entitled to be granted the benefits of 2nd ACP, as has been granted to other similarly situated.

He, however, has not made any such claim before the authority.

For enabling him to so do, matter is disposed of.

The petitioner’s counsel submits that for claiming benefit of 2nd ACP on the ground of parity with other similarly situated, the petitioner would be making an application within three weeks. If such application is made along with a copy of this order before the Respondent No.6, the same shall be disposed of by a reasoned and speaking order within eight weeks and the amounts, if any, found due and admissible, be paid to the petitioner within four weeks thereafter.

The writ application stands disposed of.

(Madhuresh Prasad, J)

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