

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1267 of 2020**

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Jitendra Ram, S/o Late Munsii Ram retired Jan Sevak Block - Wazirganj,  
District-Gaya. At present-resident of Village-Kurmawan, P.O.-Kurmawan,  
P.S. Barachatti, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue,  
Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Revenue, Govt. of Bihar, Patna.
3. The District Magistrate, Gaya.
4. The Block Development Officer, Wazirganj, District-Gaya.
5. The Treasury Officer, Gaya.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Amarendra Kumar Singh, Advocate  
For the Respondent/s : Mr. Raj Kishore Roy, GP 18

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

6      21-09-2023                      Heard the parties.

2. The present petition has been preferred for the  
following reliefs:-

*(i) to issue an appropriate writ preferably in  
the nature 'certiorari' for setting aside the decision taken  
by the District Screening Committee, Gaya in its Special  
Meeting dated 12.12.2019 by which the petitioner has  
been found in eligible for grant of any financial  
progression;*

*(ii) to issue an appropriate writ preferably in  
the nature of 'Mandamus' commanding upon the*



*respondent authorities to pay to the petitioner benefits of 1st, 2nd and 3rd A.C.P.*

*(iii) to issue an appropriate writ preferably in the nature of 'Mandamus' Commanding upon the respondents authorities to pay to the petitioner arrears of salary for the period 27.7.1988 to 10.1.1989 and 20.3.1996 to 5.11.2001 during which the petitioner remained under suspension.*

3. The petitioner wants extension of ACP and his allegation is that due to fault of the respondent, the same has been denied.

4. A counter affidavit of the State is on record and as per it, there were break in service between 16.10.1979 to 31.10.1979, 15.01.1980 to 17.05.1980 and 06.12.1986 to 21.12.1986 and further there was non-availability of the confidential report for the last five years.

5. Learned Counsel for the petitioner submits that a bare perusal of the Annexure 7 (that relates to extension of ACP and MACP dated 06.07.2021) would show that it is the duty of the respondents to bring on record the report and as such, they cannot say that due to non-availability of the same, which is also one of the reason for the denial of the ACP is unjustified.



6. He as such, submits that he may be given liberty to once again present the representation pointing out to the said fact.

7. Liberty granted.

8. If he prefers such representation, the same has to be considered in the light of the guidelines for the grant of ACP and MACP and the concerned respondent is duty bound to pass a reasoned order accordingly.

9. The writ petition stands disposed of.

**(Rajiv Roy, J)**

Neha/-

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