

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3039 of 2023

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Shyam Nandan Prasad, S/o Late Rajendra Prasad, Resident of Mohalla- Baksi Maidan, Bheetari, Begampur, P.O. Begumpur P.S. Chowk Patna City, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Primary and Adult Education, Govt. of Bihar, New Secretariat, Vikash Bhawan, Bailey Road, Patna.
2. The Director, Secondary, Primary and Adult Education, Govt. of Bihar, Patna.
3. The Secretary, Welfare Department, Govt. of Bihar.
4. The Divisional Commissioner, Patna Division, Patna.
5. The District Magistrate, Biharsharif, Patna.
6. The District Mass Education Officer, Biharsharif, Nalanda.
7. The Child Development Project Officer, Rahui, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr.Dhaneswar Prasad Gupta, Advocate Mr.Satyendra Pandey, Advocate
For the State	:	Mr.Kameshwar Kumar, GP-17 Mr.S.K.Ranjan, AC to GP-17

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 25-07-2023 1. Heard learned counsel for the petitioner and
learned counsel for the State.

2. The petitioner has approached this court for a
direction upon the respondent-Authorities to grant the benefits
of ACP to him.

3. It is not disputed that the petitioner's case is
covered by the decision of this court in the case of ***Chharpan
Ram versus The State of Bihar & Ors.*** decided in ***C.W.J.C. No.***



10282 of 2020. Relevant extract of decision rendered in the case of **Chharpan Ram** (supra) reads as follows:-

“The fact that the order of absorption/regularization dated 28.06.2005 clearly held out a condition that absorption would be considered as a fresh appointment and the beneficiaries would not be entitled to counting of their services prior to absorption for purposes other than calculation of the qualifying service or for the purposes of pension, is not denied.

The petitioner has availed the benefit of the said order dated 28.06.2005. Therefore, no case is made out by the petitioner based on which any direction can be issued by this Court for counting the period of service prior to his absorption, contrary to the terms of absorption.”

4. The issue being covered by this decision and this fact being not in dispute, nothing survives in the writ petition.
5. Writ petition is accordingly dismissed.

(Madhuresh Prasad, J)

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