

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2335 of 2023

Md. Reyaz Uddin Ansari Son of Late Sujayat Ansari Resident of Village-
Makhdumpur Dih, P.S.- Makhdumpur, District- Jehanabad, Retired Headmaster of
Middle School Shakir Bigha, Belaganj, Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Education Bihar Patna.
2. The Director, Primary Education Bihar, Patna.
3. The District Education Officer Gaya.
4. The District Programme Officer (Establishment), Gaya.
5. The Block Education Officer Belaganj, Gaya.
6. The Accountant General Bihar, Patna.
7. The District Accounts Officer, Gaya.
8. The Treasury Officer, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar, Adv.
For the State	:	Mr. Kumresh Singh, Adv.
For Accountant General	:	Mr. Ram Kinkar Choudhary, Adv.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 12-07-2023

Heard Mr. Binod Kumar, learned counsel appearing on behalf of the petitioner, Mr. Kumresh Singh, learned counsel appearing on behalf of the State and Mr. Ram Kinkar Choudhary, learned counsel appearing on behalf of the Accountant General.

2. Learned counsel appearing on behalf of the petitioner submits that Rs. 1,32,707/- has been withheld on the ground that petitioner has not passed the “Hindi Noting Drafting Examination” during the entire service period. The amount has been withheld from the gratuity.



3. Learned counsel submits that the petitioner could not pass “Hindi Noting Drafting Examination” as he has already crossed the age of 50 years at the relevant time. He further submits that in case of **Syed Abdul Qadir Vrs. State of Bihar**, reported in **(2009) 3 SCC 475**, it has been held that not passing the “Hindi Noting Drafting Examination” will not amount to have committed any mistake, rather the petitioner was never informed that to get enhanced the pay scale and other benefit like A.C.P. and M.A.C.P. which are beneficial in nature cannot be denied to the petitioner in fixation to his pension. The petitioner has further relied on the case of **Amresh Kumar Sinha & Ors. Vrs. The State of Bihar & Ors., SLP (C) Nos. 8219-8226 of 2019**, the Hon’ble Supreme Court has held that the benefit of the financial upgradation on account of A.C.P. and M.A.C.P cannot be denied.

4. The petitioner seeks to file detail representation before the Director, Secondary Education, Patna, Bihar, for redressal of his grievance in light of the settled law.

5. The Director, Secondary Education, Patna, Bihar is directed to dispose of the representation of the petitioner in light of the law laid down by the Apex Court on the basis of records relating to the petitioner within a period of six weeks from the date of filing of representation.



6. In case the petitioner is entitled for benefit as claimed by him, the same may be directed to be given to him by directing the District Programme Officer (Establishment), Gaya to send sanction order to the Accountant General, Bihar within the aforesaid period.

7. The Accountant General, Bihar must ensure to fix pension in accordance with law settled by the Apex Court recently in **Amresh Kumar Sinha (supra)** in which it has been held that A.C.P. and M.A.C.P. provided to the employees for regular financial upgradation on completion of 12 years-24 years and the said benefit cannot be denied.

8. The Accountant General, Bihar is directed to issue P.P.O. on the basis of revised pay scale after perusing the law laid down by the Apex Court recently and send PPO to the Treasury Officer concerned. The Treasury Officer, Gaya must ensure payment forthwith without any delay.

9. With the above observation and direction the writ petition stands disposed of.

(Purnendu Singh, J)

pravinkumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	
Transmission Date	

