

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5219 of 2022

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Tirpit Jha Son of Late Ghutar Jha, resident of Village - Chakdah, Post Office - Ranti, Police Station- Raj Nagar, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Land Revenue, Government of Bihar, Patna.
2. The District Magistrate, Madhubani, Bihar.
3. The Deputy Collector, Establishment, Collectariat, Madhubani.
4. The Circle Officer, Laukahi, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajani Kant Mishra, Adv.
For the State	:	Mr.Raj Kishore Roy, GP-18
		Mr.Navnit Kumar, AC to GP-18
For the Acc. Gen.	:	Mr.Vivekanand Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-12-2023 1. At the outset, the learned counsel for the respondent-State seeks to file a counter affidavit, which is taken on record.

2. The present writ petition has been filed seeking the following relief(s):-

“1.(i) To issue a appropriate writ, order or direction in the nature of mandamus commanding the respondent District Magistrate, Madhubani to grant first and second Assured Cumulative Progressionn (ACP) and third Modified Assured Cumulative Progression (MACP) (hereinafter it would be referred as ACPs) & MACP respectively for the sake of brevity to the petitioner with consequential



benefits.

(ii) To issue an appropriate writ, order or direction in the nature of mandamus commanding the respondent Accountant General (A&E) Bihar, Patna to revise the pension and other retiral benefits of the petitioner in accordance with benefit accrued on account of above said ACPS and MACP to the petitioner.

(iii) This Hon'ble Court may adjudicate and hold that the respondents are duty bound to grant the benefit of above said ACPs and MACP to the petitioner.

(iv) This Hon'ble Court may adjudicate and hold that the action of the respondent in withholding the aforesaid monetary benefits to the petitioner smacks of arbitrariness and unreasonableness besides their deficiency thus bad in law.”

3. The learned counsel for the respondent-State has submitted by referring to paragraph no.12, of the counter affidavit that the case of the petitioner for grant of 1st and 2nd A.C.P./M.A.C.P. could not be considered in the meeting of the District Establishment Committee, Madhubani, held on 05.08.2021, on account of non-availability of the date of confirmation of service of the petitioner and for want of details about his education qualifications.

4. This Court finds that it is for the employer to



ascertain the date of confirmation of the service of the petitioner and moreover, the employer is expected to have knowledge about the educational qualifications of the petitioner, hence I deem it fit and proper to direct the District Establishment Committee, Madhubani to consider the case of the petitioner for grant of 1st and 2nd A.C.P./M.A.C.P., on merits and pass appropriate orders, in accordance with law, within a period of six weeks of receipt/production of a copy of this order.

5. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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