

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16901 of 2014

Mala Ram @ Mala Rai, S/o Sri Barhu Ram, Resident of village- Kunjba, P.S.-
Bihta, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Agriculture Department, Government of Bihar, Patna
3. The Director, Agriculture, Government of Bihar, Patna
4. The Joint Agriculture Director Plant Conservation, Bihar, Patna
5. The District Magistrate, Ara, Bhojpur
6. The Junior Plant Conservation Officer, Ara, Bhojpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav
For the Respondent/s : GP31- Smt. Binita Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 31-01-2023 This writ application has been filed for quashing order contained in memo No. 29/450 dated 31.03.2014 whereby, claim of the petitioner for grant of time bound promotion and Assured Career Progression i.e., A.C.P. has been rejected.

It appears from record that earlier the petitioner has filed CWJC No. 23707 of 2012 for similar relief. However, during pendency of the said writ application, claim of the petitioner was duly examined on the basis of record and was rejected vide order dated 24.04.2014 annexed as Annexure-5 to this writ petition.

It is the claim of the petitioner that he being matriculate, was appointed on the post of Kamdar and hence, he is entitled for enhanced pay scale on the basis of matriculation qualification.



Learned counsel for the petitioner submits that vide resolution contained in memo No. 328 dated 18.02.1992 the Agriculture Department decided that Class IV employee whose basic qualification for appointment is only literate and if he passes or enhances his qualification to matriculation, shall be entitled for promotion to the higher post after completion of 6 years. However, the respondents without considering the enhanced qualification of petitioner granted first and second A.C.P. in the pay scale of Rs. 3050-4590/- and Rs. 3200-4900/- respectively, though the petitioner as being matriculate was entitled for grant of first A.C.P. in the pay scale of Rs. 3050-4590/- and second A.C.P. in the pay scale of Rs. 4000-6000/-. He further submits that petitioner is entitled for grant of third A.C.P. in grade pay of Rs. 2800/- but the same has also not been granted to him. It is the contention of petitioner that impugned order is bad in eyes of law, simply on the ground that petitioner possesses matriculation qualification as such, he is entitled for higher pay scale.

On the other hand, learned counsel for the State submits that in course of consideration of the representation filed by the petitioner, from perusal of his service book, it was found that there is no entry regarding his passing of



matriculation or equivalent examination and as such, petitioner is only a literate employee and remained working on Class IV post. He further submits that petitioner had made an application in a prescribed proforma for grant of first and second A.C.P on 14.05.2008 and on that basis, he was allowed first and second A.C.P in pay scale of Rs. 3050-4590/- and Rs. 320-4900/- respectively under office order No. 114/1295 dated 16.11.2009 because the petitioner was not found entitled for higher pay scale as he was not matriculate.

The aforesaid submissions and material brought on record by way of counter affidavit have not been disputed or reverted by learned counsel for the petitioner by filing any reply. Petitioner has not filed any chit of paper in support of his claim to be matriculate.

Considering aforesaid facts and circumstances of the case and the fact that petitioner does not possess matriculate qualification, his claim for entitlement of higher pay scale has no merit and this writ application is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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