

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16639 of 2013

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Ram Bilas Prasad S/O Late Dukhi Das Resident Of Village - Jana, P.O. Jana,
P.S. Aasthawan, District - Nalanda, Presently Posted As Panchayat Sachiv
Sarmera Block Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Nalanda
3. The District Panchayat Raj Officer, Nalanda
4. The Block Development Officer, Sarmera, Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.
For the Respondent/s : Mr. Parth Sharthi, Adv.

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 16-01-2023 1. Learned counsel for the petitioner has prayed as
under:

*“A. Issuance of writ in the nature of Mandamus
commanding the Respondents to grant first and Second
Assured Carrier progression(A.C.P)/ M.A.C.P. to the
petitioner who is entitled since 10.05.2003.*

*B. The Respondents are further be directed to
pay the entire arrears of difference of salary and
consequential benefits from the date of his entitlement of
A.C.P. / M.A.C.P.*

*C. To grant such other relief or reliefs for which
the petitioner is entitle too as well as interes/ penal interest
and Litigation cost.”*



2. Learned counsel for the petitioner submits that he does not has instructions as to whether within the pendency of this petition, A.C.P. has been granted or not to the petitioner.

3. This Court in **Chandrakant Vs. The State of Bihar and Ors.** dated 23.09.2022 in **C.W.J.C. No. 2783** has held as under:

“31. In view of the above, the contention raised by the petitioners of having benefit of ACP Scheme or MACP Scheme fails and the order passed by the respondents, dated 10.11.2020 and consequential orders thereto are upheld holding that the petitioners would only be entitled to the benefits grnted to them under Circular, dated 16.11.2000.

32. However, it is further held that the petitioners and other teachers who were wrongfully granted benefit of ACP/MACP would have to get their pay fixation revised and if they have retired, their pension would also be accordingly revised. But, no recovery shall be made for the extra amount which they have received”

4. From above, it is apparent that the petitioner was not entitled to first or second A.C.P. and M.A.C.P., but the same



has been released during the pendency of this writ petition. The same is not being recovered.

5. The writ petition stands disposed of accordingly.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 37

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