

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19193 of 2015

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Ranjana Devi Wife of Late Girijanandan Mishra, Resident of Village-
Brahampur, P.S.- Kamtaul, District- Darbhanga presently residing at Mohalla-
Radha Krishnanagar Ward No. 15, P.S. and District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resources Department, Government of Bihar,
Patna.
3. The Chief Engineer Water Resources Department, Birpur District- Supaul.
4. The Superintending Engineer, Eastern Embankment Circle, Water Resources
Department, Saharsa.
5. The Executive Engineer, Eastern Koshi Embankment Division, Chandrayan
District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Satish Chandra Jha-3, Advocate
	:	Mr. Shambhoo Kr. Suman, Advocate
For the Respondent/s	:	Mr.S.K. Ranjan- GP 17

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 22-09-2023

1. The present petition has been filed seeking the
following reliefs :-

*“(i) To direct the respondents, particularly
respondent no. 3 to consider the claim of
the petitioner for grant of time bound
promotion as well as benefit of Assured
carrier progression scheme (A.C.P.) to her
husband namely Late Girijanandan Jha
who joined as accounts clerk on 21.10.81
and died in harness on 12.04.2000 and*



during his entire service period he was not allowed any regular promotion, as such her husband was/ is legally entitled to get time bound promotion as well as benefit of ACP however inspite of repeated representation filed by the petitioner in this regard, till date, said benefit has not been provided to her and respondents are sitting tight over the matter, reason best known to them.

(ii) To direct the respondents to make payment of monetary benefits to the petitioner in lieu of grant of time bound promotion as well as ACP to her husband as has been granted to several similarly situated employees, like husband of the petitioner. “

2. At the outset, the learned counsel for the petitioner has referred to the judgment rendered by the Hon'ble Apex Court in the case of ***Amresh Kr. Singh and others vs. The State of Bihar and others***, reported in **2023 (2) PLJR (SC) 423** to submit that the Hon'ble Apex Court has held that fulfilment of educational qualifications prescribed under the recruitment rules for the purposes of



promotion are not necessary for non-functional *in-situ* promotion, hence for the purposes of granting benefits of A.C.P./M.A.C.P., passing of any exam is not necessary. This aspect of the matter has also been considered by a learned Division Bench of this Court in the case of ***The State of Bihar and others vs. Sri Ram Subhag Singh***, reported in ***2022(2) PLJR 773***, wherein the learned Division Bench of this Court has held that non-passing of departmental exam shall not be an impediment for grant of benefits of A.C.P./M.A.C.P.

3. At this juncture, the learned counsel for the petitioner submits that the petitioner be granted liberty to file appropriate representation before the Chief Engineer, Water Resources Department, Birpur, District-Supaul i.e. the respondent no. 3, annexing copies of the aforesaid judgments for redressal of her subsisting grievances. Liberty so sought, is granted.

3. It is needless to state that in case, the petitioner approaches the respondent no. 3, by filing appropriate representation within a period of four weeks from today, the respondent no. 3 shall dispose off the same by passing a



reasoned and a speaking order, in accordance with law,
within a period of eight weeks, thereafter.

4. The writ petition stands disposed off on the
aforesaid terms.

(Mohit Kumar Shah, J)

rinkee/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.09.2023
Transmission Date	NA

