

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24597 of 2013

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Md. Hamid son of Late Md. Luqman Resident of Machhaligali, Raja Bazar,
Police Station- Shastri Nagar, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, having his Office at Vikas Bhawan, P.S.- Sachivalaya, District Patna
2. The Director, Secondary Education, Govt. of Bihar having his Office at Budh Marg, Police Station- Kotwali, District- Patna
3. The Director, State Council of Education, Research and Training Having His Office at Mahendru, Police Station- Sultanganj, District- Patna

... .. Respondent/s

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Appearance:

For the Petitioner/s	:	Mr. Mukeshwar Dayal, Advocate Mr. Vikas Mohan, Advocate
For the Respondent/s	:	Mr. Sumant Kumar Singh, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-07-2023 The present writ petition has been filed
seeking the following relief:-

"1. That this application is being filed for issuance of writ in the nature of Mandamus directing the respondents to consider the case of the petitioner for time bound promotion w.e.f. 04.11.1990 and 1st, 2nd and 3rd A.C.P. from due date as Scheme formulated by State Government vide Assured Career progression Scheme-2003 and Modified Assured Career



Progression Scheme-2009 alongwith consequential monetary benefit and interest upon the accrued monetary benefit after aforesaid promotion.”

At the outset, the learned counsel for the petitioner has relied on a judgment rendered by the learned Division Bench of this Court, reported in **2022(2) PLJR 773 (The State of Bihar & Ors. vs. Ram Subhag Singh)**, to contend that non-passing of the departmental examination cannot be a bar to grant of benefits under the A.C.P. and M.A.C.P. scheme.

In view of the aforesaid, the respondent authorities are directed to consider the case of the petitioner, upon the petitioner filing appropriate representation before the Director, Secondary Education, Government of Bihar, Patna, annexing a copy of the aforesaid judgment passed in the case of Ram Subhag Singh (supra).

It is needless to state that in case the petitioner approaches the Director, Secondary Education, Government of Bihar, Patna by filing



appropriate representation, as aforesaid, within a period of four weeks from today, the same shall be disposed off by a reasoned and a speaking order, in accordance with law, within a period of eight weeks, thereafter.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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