

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23814 of 2013

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Pramod Kumar Mishra son of Late Dr Yogendra Mishra Resident of Mohalla
- Nehru Nagar, House No. 205, P.S. - Patliputra, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna
3. The Principal Secretary, Water Resources Department, Government of Bihar, Patna
4. The Joint Secretary Management, Water Resources Department, Government of Bihar, Patna
5. The Deputy Secretary Management, Water Resources Department, Government of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Satish Chandra Jha-3, Advocate
		Mr. Shambhoo Kumar Suman, Advocate
For the Respondent/s	:	Mr.Manikant Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-06-2023 The present writ petition has been filed
seeking the following reliefs:-

“1.That present writ application is being filed on behalf of the petitioner above named, praying inter alia the following reliefs:-

a. To direct the respondents to grant the petitioner the benefit of Modified Assured Career Progression Scheme (hereinafter referred to as MACPS) w.e.f



31.01.2009 and regular promotion on the post of Superintending Engineer because petitioner joined on the post of Assistant Engineer in the year 1979 and has completed 30 years of service and his regular promotion on the post of as well as M.A.C.P Superintending Engineer is due and several vacant post of Superintending Engineer are available in the department and even some junior other officers of the categories have already been granted regular promotion on the said post, however petitioner, whose service record is unblemished has been denied the benefit of M.A.C.P.

b. To direct the respondents to make payment of monetary benefit of M.A.C.P to the petitioner, without further loss of time because several junior officers to the petitioner have been allowed the said benefit, ignoring the legal claim of the petitioner, whose service record is



unblemished.”

At the outset, the learned counsel for the respondent-State has referred to the counter affidavit filed in the present case by the respondent nos. 3 to 5, wherein a resolution dated 14.07.2010 issued by the Finance Department, Government of Bihar, Patna has been annexed, to submit that a meeting of the Departmental Screening Committee was held on 05.12.2013 for the purposes of grant of the benefits of A.C.P. scheme to the eligible candidates, however, upon consideration, the Screening Committee found that the petitioner is not fulfilling the benchmark required for grant of the benefits of ACP/MACP as per Clause-16 of the aforesaid resolution dated 14.07.2010, issued by the Finance Department, Bihar, Patna.

In view of the aforesaid, this Court deems it fit and appropriate to dispose off the present writ petition with liberty to the petitioner to approach the respondent authorities, afresh in case of any subsisting grievances.



Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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