

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16858 of 2014

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Bhola Jha son of Late Sheo Narayan Jha, resident of village- Rahua, P.S.-
Madhepur, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat, Patna
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat, Patna
3. The Director, Department of Consolidation, Budha Marg, Patna
4. The Collector, District- Madhubani
5. The Deputy Director Consolidation, District Purnea
6. The Circle Officer, Pandaul, District- Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ugranath Mallik, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar, SC 9
		Mr. Yogesh Kumar, AC to SC 9

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 31-01-2023 This writ application has been filed for commanding the respondents to consider the case of petitioner for granting 1st and 2nd Assured Career Progression i.e., A.C.P. from the due date and after granting the A.C.P. to make payment of encashment amount and arrears of pension and other benefits for which the petitioner is entitled and also up to date interest as well as penal interest from due date to the date of actual payment.

It is submitted on behalf of the petitioner that he was appointed on 16.01.1972 on the post 'Karipal' on temporary



basis in the office of the Deputy Director, Consolidation under Purnea district. Subsequently, the petitioner was promoted to the post of 'Amin' vide letter No. 154(Conf.) dated 03.12.1977 by the Deputy Director, Consolidation, Purnea and accordingly, petitioner joined on the said post on 08.12.1977. Service of the petitioner was provisionally confirmed from 01.04.1988 vide memo No. 844, conso. dated 12.09.1989 by the order of Deputy Director, Consolidation, Purnea and accordingly, he was given 1st Time Bound Promotion with effect from 08.12.1989. Officially, petitioner superannuated on 30.09.2009 vide memo No. 5 Mu. from the Circle Office, Pandaul, Madhubani while he was working as Revenue Karmchari. It is the contention of the petitioner that after coming into force of the A.C.P. with effect from 09.08.1999 the employees of the State Government become entitle for getting the benefits of 1st A.C.P. and 2nd A.C.P. after completion of 12 years and 24 years of continuous service respectively. Petitioner regularly presented before the respondent authorities and prayed for giving the benefits of the A.C.P. but instead of considering the same respondent authorities sat over the matter and allowed the petitioner to retire on 30.09.2009 without even considering his case for 1st and 2nd A.C.P.



On the other hand, learned counsel for the State submits that a meeting of scanning committee was held on 07.01.2013 under the president-ship of the then Collector, Madhubani and it was found that the petitioner had failed in Hindi Typing Examination as a result of which benefit of A.C.P. was not granted to him and as such, this writ petition is fit to be dismissed.

Considering the submissions of the parties, this Court concludes that as the petitioner did not succeed in departmental Hindi Typing Examination, a qualification required to avail the benefit of A.C.P., this writ application has no merit and the same is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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