

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9393 of 2019

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Ram Janam Singh Son of Daroga Singh Resident of Mohalla 99, Sri Ganesh Datta Nagar, Road No.2, Oppt. to main Road, Fardogada, P.O., P.S. and District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
3. The Director, Administration, Govt. of Bihar, New Secretariat, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh
For the Respondent/s : Mr. Binita Ingh (Sc28)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

11 11-12-2023

1. Heard the parties.

2. The petitioner claims that he was appointed after completing the process for appointment in Subordinate Education Service in 1973 and thereafter, was placed in Bihar Education Service, Class-II, with effect from 01.04.1988 after promotion. He has filed the writ petition for direction to the authority for grant of benefit of ACP with due date i.e., 09.08.1999.

3. Learned counsel for the petitioner submits that in an application submitted under Right to Information Act, the respondent/authority has informed that since the petitioner has not cleared the departmental examination, as such, he was not



given the benefit of ACP. He relies upon the judgment of Division Bench as well as Co-ordinate Bench of this Court, *vide* judgment dated 12.05.2023 in C.W.J.C. No. 12307 of 2022, order dated 19.12.2022 in C.W.J.C. No. 20789 of 2014 and judgment dated 11.05.2022 in letter patent appeal No. 04 of 2021 in C.W.J.C. No. 8087 of 2015, on the point that there is no requirement of passing of departmental examination for grant of ACP/MACP.

4. Learned counsel for the State submits that the representation of the petitioner is not on record of the respondents and if the petitioner files a fresh representation before respondent No. 3, the same shall be considered by Director Administration in accordance with law.

5. In view of the nature of dispute and submissions advanced by the parties, the present writ application is disposed with liberty to the petitioner to file a fresh representation before respondent No. 3 within a period of one month from today. If such a representation is filed, the respondent No. 3 shall be obliged to dispose the same in accordance with law and after taking into consideration the judgment of this Court on the point of grant of ACP as mentioned hereinabove (*supra*). The representation must be disposed within a period of three months



from the date of receipt/production of a copy of this order. If it is found that the petitioner is entitled for grant of ACP, the consequential benefit shall be paid to the petitioner within a period of one month from the date of disposal of his representation.

(Anil Kumar Sinha, J)

HarshPandey/-

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