

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10652 of 2015

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1. Rajan Kumar S/o Late Jagat Narayan Lal Village and Post Beur, Police Station Beur, District Patna.
 2. Suman Kumar Sinha aged about 56 years S/o Late Sukhdeo Prasad Resident of Nath Niwas Dariyapur Gola, P.S. Kadam Kuan, District Patna.
 3. Deepak Kumar Sinha aged about 51 years s/o Akhileshwar Nath Resident of Vidya Apartment Near Gauriyamath, New Jakkanpur, P.S. Jakkanpur, District Patna.
 4. Dinesh Kumar aged about 51 years S/o Sri Ram Swarath Ram Resident of Neemke Bhatti Gulzarbagh, P.S. Alamganj, District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department having its office at New Secretariat, PS-Sachivalaya, Dist-Patna
2. The Director Administration Education Department having his office at Vikas Bhawan, P.S. Sachivalaya, Dist-Patna
3. The Director, State Council of Educational Research and Training having his office at Mahendru, P.S Sultanganj, Dist-Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mukeshwar Dayal, Advocate
	:	Mr. Vikash Mohan, Advocate
For the Respondent/s	:	Mr. Sarveshwar Kr. Singh, AAG 13
	:	Mrs. Sunita Kumari, AC to AAG 13

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 18-08-2023

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

“(i) For issuance of writ in the nature of certiorari quashing the impugned Memo no. 3329 dated 13.12.2013, by which the earlier Memo no. 944 dated 13.06.2008 has been cancelled and petitioners and



other employees who was holding the technical post, directed to appear in the departmental examination. “

2. At the outset, the learned counsel for the petitioners has submitted that the only grievance of the petitioners is that they have been directed to appear in the departmental examination and pass the same, however, till then, the petitioners have been illegally debarred from grant of the benefits of A.C.P./ M.A.C.P. Scheme.

3. This Court finds that the issue under consideration in the present writ petition is no longer *res integra*, inasmuch as the Ld. Division Bench of this Court, vide Judgment *dated 11.05.2022*, passed in *L.P.A. no. 4 of 2021 (The State of Bihar v. Sri Ram Subhag Singh)*, has conclusively held that non-passing of departmental examination cannot be an impediment to grant of benefits of the A.C.P./ M.A.C.P. Scheme.

4. Having regard to the facts and circumstances of the case and considering the law laid down by the Ld. Division Bench of this Court in the case of *Sri Ram Subhag Singh (supra)*, the respondent authorities are



directed to forthwith grant benefits of A.C.P./ M.A.C.P. Scheme to the petitioners, without being impeded by the fact that the petitioners have not passed the departmental examination.

3. The writ petition stands allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.08.2023
Transmission Date	NA

