

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18455 of 2021

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Surendra Rai Son of Ram Charitra Rai, Resident of Village - Shokhara, Post Office and Police Station - Barauni, Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Animal Husbandry and Fisheries, Government of Bihar, Patna.
2. The Principal Secretary, Animal Husbandry and Fisheries Department, Government of Bihar, Patna.
3. The Secretary, Department of Finance, Government of Bihar, Patna.
4. The Director, Animal Husbandry, Government of Bihar, Patna.
5. The Assistant Director (Animal Development), Large Animal Development Project, Shukr Store Centre, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Anil Singh, Advocate
For the Respondent/s	:	Mr.Sajid Salim Khan (SC-25)
		Mr. W.A. Khan, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-12-2023 The present writ petition has been filed seeking the following reliefs:-

"1.(i) For setting aside Memo no 4705 dated 24.12.2019 issued by Joint Director Headquarter, Animal Husbandry Directorate. Patna as contained in Annexure P/14 by which similar benefits given to similar situated had been denied stating that the same would not be a precedent which is contrary to and in conflict with the Bihar State Litigation Policy, 2011.

(ii) For commanding the respondent



authorities to grant to the petitioner 1 A. C. P. 2 ACP and 3rd MACP (Modified Assured Career Progression) treating his entire service including the date of his initial appointment in Bihar State Dairy Corporation Limited and further grant its consequential benefits.

(iii) For commanding the respondents to grant the benefits of MACP to the petitioner as has been granted to the persons similarly situated with consequential benefits in view of judicial pronouncement contained in Annexure P/8, P/9 and P/10 as well as Bihar State Litigation Policy, 2011 (Annexure P/12) being covered matters under Para 4 (A)."

2. The learned counsel for the petitioner, has, at the outset, submitted that the present case is squarely covered by a judgment rendered by a Coordinate Bench of this Court dated 24.11.2016 passed in CWJC No. 9071 of 2014 (Prabhakar Mishra & Ors. vs. The State of Bihar & Ors.), as upheld by the learned Division Bench of this Court by a judgment dated 10.01.2018 passed in LPA No. 438 of 2017, as also further upheld by the Hon'ble Apex Court by an order dated 12.07.2019 passed



in SLP(C) No. 20892 of 2018, hence it is submitted that the respondents be directed to grant similar benefits.

3. *Per contra*, the learned counsel for the respondent-State submits that in case the petitioner approaches the Principal Secretary/Additional Chief Secretary, Animal Husbandry and Fisheries Department, Government of Bihar, Patna i.e. the respondent no. 2 by filing appropriate representation, the case of the petitioner shall definitely be considered in light of the aforesaid judgments rendered by this Court as also upheld by the Hon'ble Apex Court.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to approach the respondent no. 2, by filing appropriate representation within a period of two weeks from today and in case such a representation is filed, the same shall be considered, in accordance with law as well as in light of the aforesaid judgments rendered in the case of Prabhakar Mishra & Ors.



(supra) and a speaking and a reasoned order shall be passed within a period of six weeks, thereafter.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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