

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19238 of 2021**

1. Ram Sewak Choudhary Son of Late Kedar Choudhary, resident of Village and Post Office - Keota Tola- Piparpanti Police Station- Dalsingsarai, District - Samastipur.
2. Sukhdeo Poddar, Son of Late Ganga Poddar, resident of Village - Sokhara, Post Office - Barauni, Police Station- Barauni, District - Begusarai.
3. Suresh Prasad, S/o Ramji Prasad Mahto, resident of Village - Pakthaul, Post Office - Khidirchak, Police Station- Teghra, District - Begusarai.
4. Hira Mahto, Son of Late Jagdish Mahto, resident of Village - Phulwaria, Thakurbari Road, Post Office - Barauni, Police Station- Barauni, District - Begusarai.
5. Vimla Devi @ Bimali Devi, Wife of Late Ramdeo Ram, resident of Village - Phulwaria, Post Office - Barauni, Police Station - Phulwaria, District - 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 Director, Animal Husbandry, Government of Bihar, Patna.
4. The Secretary, Department of Finance, Government of Bihar, Patna.
5. The District Animal Husbandry Officer, Samastipur.
6. The Sub-Divisional Animal Husbandry Officer, Araria, Purnia.
7. The Special Deputy Director (Cattle Development) Incharge Cattle Development Project, Barauni, Begusarai.
8. Assistant Director (Cattle Development) Large Cattle Development Project, Sperm Store Centre, Barauni, Begusarai.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Anil Singh, Advocate  
For the Respondent/s : Mr.Rishi Raj Sinha (SC-19)

**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 petitioners 1 A.C. P. 2nd 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 petitioners 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 petitioners, 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 petitioners approach 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 petitioners 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 petitioners 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)**

S.Sb/-

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