

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2138 of 2024

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Braj Kishor Pandey Son of Late Mangal Pandey Resident of Mohalla
Srikrishna Nagar Motihari Police Staion- Sadar Motihari District-East
Champanan.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Water Resource Department,
Government of Bihar, Patna.
2. The Principal Secretary, Water Resource Department, Government of Bihar,
Patna.
3. The Chief Engineer, Irrigation Creation, Water Resource Department,
Motihari.
4. The Executive Engineer, Planning and Monitoring Division, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjiv Kumar, Adv.
For the Respondent/s	:	Mr. Birju Prasad, GP-13
		Mr. Ajit Anand, AC to GP-13

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-02-2024 The present writ petition has been filed seeking the
following reliefs:-

“1(i). Issuance of writ in the nature of mandamus
for a direction to the Respondent authority to
grant the benefits of 1st ACP w.e.f. 16.01.2002
and the benefits 2nd MACP w.e.f. 16.01.2010
and the benefits of 3rd MACP w.e.f. 16.01.2020
to the Petitioner along with consequential
monitoring benefits as the Petitioner became
eligible for abovementioned ACP/MACP
benefits in the light of judgment passed in CWJC
No.11595/2018 (Rajesh Kumar Sharma vs the
State of Bihar and others) and the State of Bihar



& Ors. v. Shri Krishna Singh & Anr. (reported in 2022 (2) PLJR 773) and the State of Bihar & Ors. v. Smt. Jivachi Devi (reported in 2020 (2) BLJ 471) by which the this Hon'ble Court settled the law that the passing of departmental account examination is not essential to get the benefits of ACP/MACP.

(ii). Issuance of further direction to the Respondent authority to modify the order contained in Letter No.2940 dated 15.11.2019 and Letter No. 818 dated 8.4.2021 issued by the Chief Engineer, Irrigation Creation, Water Resource Department, Motihari and to shift the date of grant of benefits of 1st & 2nd MACP from 17.01.2010 & 17.01.2020 to 16.01.2002 & 16.01.2010 respectively as the Respondent authority granted the benefits of 1st & 2nd MACP w.e.f. 17.01.2010 & 17.01.2020 respectively without considering that the passing of department examination is not essential to get the benefits of ACP / MACP.

(iii). Issuance of further direction to the Respondent authority to grant the similar benefits to the petitioner as granted to the similarly situated persons in the light of Bihar State Litigation Policy as well as in the light of judgment passed in the case of 2008 (4) PLJR 125 and 2011 (3) PLJR 588 & (2006) 2 SCC 746) by the Hon'ble Courts.”



2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Chief Engineer, Irrigation Creation, Water Resource Department, Motihari, i.e. the Respondent No. 3, for redressal of his aforesaid grievances. Liberty, so sought, is granted.
3. It is needless to state that in case the petitioner approaches the Respondent No. 3, by filing appropriate representation, within a period of two weeks from today, the same shall be disposed off by a reasoned and a speaking order, in accordance with law, within a period of six weeks, thereafter.
4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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