

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3277 of 2024

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Nirmal Kumar Sinha Son of Late Dhruvdeo Prasad Resident of Mohalla-
Madarsa Gali Ward No. 16 Police Station- Raxaul District- East Champaran,
Motihari.

... .. 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, Triveni Canal Division Raxaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar, Advocate
For the Respondent/s : Mr.Government Pleader 12

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-03-2024 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. 02.04.2005
and the benefits 2nd MACP w.e.f.
02.04.2013 and the benefits of 3rd
MACP w.e.f. 02.04.2023 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. vs. Shri Krishna Singh & Anr. (reported in 2022 (2) PLJR 773) and the State of Bihar & Ors. vs. Smt. Jivachi Devi (reported in 2020 (2) BLJ 471) by which 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.3282 dated 07.12.2018 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 12.10.2007 & 12.10.2017 to 02.04.2005 & 02.04.2013 respectively as the Respondent authority granted the benefits of 1st and 2nd MACP w.e.f. 02.04.2005 & 02.04.2013 respectively without considering that the passing of departmental 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 747) 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 respondent no. 3 i.e. the Chief Engineer, Irrigation Creation, Water Resources Department, Motihari, 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 i.e. the Chief Engineer, Irrigation Creation, Water Resources Department, Motihari, 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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