

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20592 of 2016

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Rajendra Prasad Yadav Son of late Laxman Yadav Resident of Village-
Nonpatti, Post Office- Narahaiya, Block- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Madhubani.
3. The District Education Officer, Madhubani.
4. The District Programme Officer, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Narayan Mahto
For the Respondent/s : Mr. Ashutosh Ranjan Pandey, AAG-15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 09-09-2024 1. The petitioner has filed the present writ application for a direction to the respondent-authorities for grant of benefits of ACPs as well as benefits of higher qualification as B.A.
2. The case of the petitioner is that he retired from the post of In-charge Headmaster, Rajkiya Middle School, Beha, Ghoghardiha, Madhubani, in the year 2011. According to the petitioner he is entitled for grant of ACPs, however, the same has not been given despite several representations filed by him.
3. Learned counsel for the State submits that there is delay in approaching this Hon'ble Court inasmuch as the



petitioner retired in the year 2011 and after lapse of 06 years he has approached this Court in the year 2016.

4. She next submits that the MACP (Modified Assured Career Progression) is being effective from 01.01.2009 and its benefits can only be given on or after 01.01.2009. Since the petitioner retired in the year 2011 i.e. after two years of coming into effect of MACP, as such, he is not entitled for MACP.
5. Learned counsel for the State further submits that the provisions of ACP (Assured Career Progression), 2003, was notified on 30.06.2003 by the Finance Department, to be effective from 09.08.1999, and the Government employees/servants are entitled to 1st and 2nd ACP in the scale of promotional post after regular service of 12 years and 24 years. If the promotional post is not available then in such cases career progression is admissible in the next higher scale.
6. Having heard learned counsel for the parties and taking into consideration the nature of prayer made in the writ application, this writ application is disposed with a direction to the petitioner to file a fresh detailed representation before the District Programme Officer,



Madhubani, raising all his grievances, within a period of one month from today.

7. If such a representation is filed by the petitioner, the District Programme Officer shall be obliged to dispose the same in accordance with law and by a reasoned and speaking order within a period of three months from the date of receipt of the representation.
8. Needless to say that if any amount is found payable to the petitioner, the same shall be paid to him within a period of one month from the date of disposal of the representation.
9. With the aforesaid observations and directions, this writ application is, accordingly, disposed.

(Anil Kumar Sinha, J)

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