

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6319 of 2019

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Ram Prabodh Thakur Son of Late Jivan Thakur R/o Chitragupta Nagar, P.S.-
Khagaria, District-Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary-cum-Addl. Chief Secretary Department of Education, Govt. of Bihar, Patna
3. The Regional Deputy Director Education, Munger
4. The Accountant General Bihar, Patna
5. The District Education Officer Khagaria
6. The District Program Officer (Estb) Khagaria
7. The District Treasury Officer Khagaria

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siya Ram Shahi, Adv.
For the State	:	Smt. Binita Singh (SC-28)
		Mr. Vivek Anand Amritesh (AC to SC-28)
For the AG	:	Mr. Arun Kumar Arun, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 22-07-2024 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the Accountant

General, Bihar, Patna.

2. The present writ petition has been filed for the

following reliefs:-

I. For quashing the order dated 27.12.2018 issued by

the Additional Chief Secretary, Education Department,

Government of Bihar, Patna (annexed as Annexure-9).

II. For directing the respondents to grant the benefit of



6th Pay recommendation after giving the benefit of 1st & 2nd ACP w.e.f. 09.08.1999 and 3rd ACP/MACP w.e.f. 01.01.2006.

III. For directing the respondents to pay the revised post retiral benefit with interest as the petitioner has been superannuated on 30.06.2010 and pension granted on 29.03.2014.

3. It has been jointly prayed by the parties that the matter directly and substantially involved in the present writ petition is also involved in Civil Writ Jurisdiction Case No.18727 of 2017 dated 28.06.2024 before the Hon'ble Full Bench of this Court where this matter has been decided and operative part of the said order has been laid down in paragraph no.48 which states as follows:-

“48. Thus, the questions stand answered as follows:-

(A.) Rule 157(3)[J] of the Bihar Board's Miscellaneous Rules, 1958, requiring passing of Departmental Accounts Examination for promotion, is not applicable in case of grant of A.C.P. benefits under the A.C.P. Rules, 2003;

(B.) Rule 157(3)[J] of the Bihar Board's Miscellaneous Rules, 1958 is confined to passing of preliminary examination/final examination in



Accounts only for the purposes of confirmation, crossing the efficiency bar and promotion to Selection Grade only and not for regular promotion;

(C.) Rule 4(5) of the A.C.P. Rules, 2003 even though provides that the prescribed requirements and mode of sanction of financial progression under the scheme (A.C.P. scheme) shall be the same which are prescribed under the Recruitment/Service Rules for regular promotion against vacancies and if the Rules/Resolutions prescribe passing of Departmental Examination or any qualification for promotion, that shall also be an essential condition for sanction of benefit under the scheme will not affect the claim for grant of A.C.P. after completion of twelve/twenty four years of service for the reason that such financial progression under the A.C.P. scheme is only in situ promotion and nothing more. This is even notwithstanding any such requirement of passing any Departmental Examination or acquiring any educational qualification for promotion under the Service/Recruitment/Promotion Rules.”



4. In this background, it is hereby directed to the Principal Secretary-cum-Addl. Chief Secretary Department of Education, Govt. of Bihar, Patna (respondent no.2) to pass order with regard to the claim of the petitioner in light of the observations made by the Hon'ble Full Bench of this Court in paragraph no.48 mentioned above within 60 days from the date of production of the order.

5. The petitioner shall be at liberty to raise any other claim associated with and it is hereby directed that accordingly, after grant of the said benefit, the other associated relief may also be granted to the petitioner.

6. Accordingly, the present writ petition stands disposed off.

(Dr. Anshuman, J)

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