

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8271 of 2019

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Suresh Prasad son of Late Kapildeo Prasad R/o Village Anauli, Police Station-
Bhagwanpur in the district of Patna. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department,
Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The District Education Officer, Patna.
4. The Director, Secondary Education Govt. of Bihar, Patna.
5. The Deputy Director, Secondary Education, Govt. of Bihar, Patna.
6. The In- Charge Headmaster, G.S.R.P. High School, Anauli, Bhagwanpur,
Patna.
7. The Accountant General, Patna.

... .. Respondents.

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Appearance :

For the Petitioner	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Narendra Kumar, AC to GP-20
For the AG	:	Mrs. Nivedita Nirvikar, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 01-04-2024

Heard learned counsel for the parties.

2. The present writ application has been filed for
the following reliefs:

*(I) To quash the order vide memo No.195
dated 05/01/19 (annexure-6) passed by
District Education Officer, Patna whereby
legitimate claim of the petitioner regarding
payment of the benefit under Bihar State
Employee Service Conditions (Assured
Career Progressive Scheme) Rule
(hereinafter referred as to the "ACP") was
rejected without proper consideration of the*



order passed in C.W.J.C. No.13713/2014 as well as the Rule which is unwarranted and not sustainable in the eye of law.

(II) Also for grant of the benefits of the ACP to the petitioner who has rendered his service as clerk in G.S.R.P. School, Anauli, Bhagalpur, Patna as clerk up to 33 years.

(III) Also for direct the respondents concern to fix the pension of the petitioner on enhanced salary after grant of the benefits of the ACP.

(IV) Also for commanding the respondent to pay all consequential benefits of ACP.

(V) Also for any other relief (s) for which petitioner entitled in the eyes of law.

3. Learned counsel for the petitioner submits that the issued raised in the present writ application is squarely covered by the judgment of the Division Bench of this Court in the case of **The State of Bihar Vs. Sri Ram Subhag Singh** reported in **2022 2 PLJR 773**. Therefore, the petitioner is also entitled to the same benefits on the same terms.

4. In that view of the matter, this writ petition is disposed of with a direction to the petitioner to file a representation within four weeks before the respondent no.5 along with a copy of this order and the judgment aforesaid and the respondent no.5 shall consider the case of the petitioner and



disposed it of by a speaking and reasoned order, within a period of six weeks from the date of filing of such representation.

5. It goes without saying that respondent no.5 shall be responsible for non-compliance of this order within the stipulated period.

6. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner.

(Anjani Kumar Sharan, J)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.04.2024
Transmission Date	NA

