

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14903 of 2015

Shiva Jee Chaudhary Son of Late Balo Govind Chaudhary resident of Village
- Saharghat, P.S. Saharghat, District - Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Department of Education, Bihar, Patna
3. The Director, Primary Education Bihar, Patna
4. The District Magistrate, Madhubani
5. The District Education officer, Madhubani
6. The District Programme officer Eastablishment , Madhubani

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Rakesh Prabhat, AC to SC 21

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

8 02-01-2024 No one appears on behalf of the petitioner.

2. This is an application for issuance of a writ in the nature of mandamus commanding and directing the respondents to give the benefit of ACP (Promotion) to the petitioner and fix the pay scale of the petitioner by virtue of grant of ACP then refix the pension of the petitioner with effect from 01.09.2000 and to pay all the arrears with interest and for issuance of any other writ/writs, order/orders, direction/directions for which the petitioner is legally entitled under the facts and circumstances of the case.

3. A counter-affidavit on behalf of the respondent No. 06, District Programme Officer (mid day meal), Madhubani is on record and para 10 read as follows:-



“That the petitioner alleged that the ACP Scheme 2003 was implemented and as such the petitioner was entitled to grant of ACP with effect from 09.08.1999 and he retired after that time i.e., 30.08.2000.

In this context it is stated that the ACP rules of 2003 was not given to the employee/teachers of Nationalized School and government aided institution or local bodies. The said scheme was only applicable to regular government employee.

A Photo copy of ACP Rule-2003 is annexed herewith and marked as Annexure-A to this counter affidavit.”

4. Learned counsel for the State submits that in view of the fact that the said scheme has not been extended to the Nationalized schools/government aided institution/local bodies, the petitioner do not have any case.

5. Be that as it may since no one has appeared, the present writ petition is dismissed for non-prosecution.

(Rajiv Roy, J)

Adnan/-

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