

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10251 of 2024**

Abhimanyu Prasad Son of Late Damodar Prasad, Resident of Village and P.O.- Jalalpur, P.S. and Block- Varasliganj, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Chief Minister's Secretariat, Government of Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
4. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
5. The In-charge Officer, Finance (D and C) Department, Government of Bihar, Patna.
6. The Additional Chief Secretary, Vigilance Department, Government of Bihar, Patna.
7. The Additional Chief Secretary, Revenue Council, Government of Bihar, Patna.
8. The Secretary, Revenue Council-cum-Central Examination Committee, Government of Bihar, Patna.
9. The Hon'ble Minister, Department of Agriculture, Government of Bihar, Patna.
10. The Secretary, Department of Agriculture, Government of Bihar, Patna.
11. The Special Secretary, Department of Agriculture, Government of Bihar, Patna.
12. The Joint Secretary, Department of Agriculture, Government of Bihar, Patna.
13. The Deputy Secretary, Department of Agriculture, Government of Bihar, Patna.
14. The Officer on Special Duty, Department of Agriculture, Government of Bihar, Patna.
15. The Under Secretary, Department of Agriculture, Government of Bihar, Patna.
16. The Agricultural Director, Department of Agriculture, Government of Bihar, Patna.
17. The Deputy Director (Administration) Department of Agriculture, Government of Bihar, Patna.
18. The Joint Director, Plant Protection, Department of Agriculture, Bihar, Patna.
19. Joint Director (Disciple), Department of Agriculture, Magadh Division, Gaya.
20. The Joint Director (Disciple), Department of Agriculture, Tirhut Division,



Muzaffarpur.

- 21. The Deputy Director, Plant Protection, Department of Agriculture, Magadha Division, Gaya.
- 22. The Deputy Director, Plant Protection, Department of Agriculture, Tirhut Division, Muzaffarpur.
- 23. The District Agriculture Officer, Department of Agriculture, District Gaya.
- 24. The District Agriculture Officer, Department of Agriculture, District-Nawada.
- 25. The District Agriculture Officer, Department of Agriculture, District-Sitamarhi.
- 26. The Assistant Director, Plant Protection, Department of Agriculture, District-Gaya.
- 27. The Assistant Director, Plant Protection, Department of Agriculture, District-Nawada.
- 28. The Assistant Director, Plant Protection, Department of Agriculture, District-Sitamarhi.
- 29. The Assistant Director of Agriculture (Plant Protection) Surveillance (Headquarters), Patna Bihar.
- 30. The Senior Treasury Officer, District Treasury, Sitamarhi.
- 31. The Principal Accountant General (Accounts and Entitlements) Office of the Accountant General, Bihar Patna.
- 32. Dr. Pramod Kumar, Son of Late Ram Swaroop Sah, Resident of Village Rahmatpur, P.S.- Asarganj, District- Munger, presently posted as Joint Director, Plant Protection, Department of Agriculture, Bihar, Patna.
- 33. Shri Gopal Sharan Prasad, Bihar Agricultural Service Grade-05 (Plant Protection) Class-1, Presently posted as Deputy Director, Plant Protection, Tirhut Division, Muzaffarpur-cum-Enquiry Officer.
- 34. Shri Ravindra Kumar, Bihar Agricultural Service, Grade-05 (Plant Protection), Class-01, Presently posted as Deputy Director, Plant Protection-cum-Assistant Director of Agriculture, Plant Protection, Surveillance (Headquarters) Patna-cum-Enquiry Officer.
- 35. Shri Sanjay Kumar Son of Late Ram Swaroop Bhakt, Resident of Mohalla-Anand Ashram, Line Par, Mirzapur, Professor Colony, Nawada, Police Station- Nawada Sadar, District- Nawada, presently posted as Pest and Disease Reporter-cum-Plant Protection Inspector, Sitamarhi-cum- Deputed HRMS Cell, Agriculture Department, Government of Bihar, Patna.

... ... Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Pramod Mishra, Advocate  |
| For the Respondent/s | : | Mr.Standing Counsel 24      |
| For the A.G.         | : | Dr. Anand Kumar, Advocate   |
|                      |   | Mr. Rajan Prakash, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**



ORAL ORDER

2      01-08-2024                      The present writ petition has been filed  
seeking the following reliefs:-

*"1. To issue a writ of Certiorari, setting aside/cancelling the enquiry report contained in Memo No. 41 dated 06.02.2024 as well letter No.179 dated as 22.02.2024 issued by the Respondents No.22 and 29 respectively (Annexure-P/8 series) under which the Respondent authority concerned, provided the monetary benefits to the Private Respondent No.35, namely Sanjay Kumar by way of increasing his salary since 01.07.2011 to 01.07.2023 and granting him benefit of 2nd MACP even though he was/is not entitled for the same.*

*ii) To issue appropriate direction to the Respondent authority concerned, to recover the excess amount paid to the Respondent No.35 by making annual increments in salary from 01.07.2011 to 01.07.2023 and on the basis of granting the benefits of 2nd MACP on 22.12.2015 by the Private Respondent No.35 which were illegally provided to the Private Respondent No.35 without his entitlement and that too without passing any departmental examination for the same.*



*iii) To direct the Respondent authority concerned to enquire into the illegality and irregularity committed in providing illegal monetary benefits to the Respondent No.26-cum-Private Respondent No.35 and to take appropriate legal and disciplinary action against the erring officials /Respondent authority concerned.*

*iv) To direct the Respondent authority concerned to enquire into the matter that how the Respondent No.26-cum-Private Respondent No.35 obtained one year computer course degree/certificate from District-Patna, without obtaining prior permission from the competent authority and that too in the period he was posted/working in the District Gaya and Bihar Sharif respectively and on the basis of said computer training course, he was justifying his annual increments granted in pay scale since 01.07.2011 to 01.07.2023 and benefits of 2nd MACP and if he was found guilty for the same, strict legal and disciplinary action may be against him as well as other erring officials/Respondents who willfully extended illegal monetary benefits to him, without his entitlement for the same."*



2. After some arguments, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to approach the respondent authorities for redressal of his aforesaid grievances. Liberty, so sought, is granted.
3. The present writ petition stands disposed off.

**(Mohit Kumar Shah, J)**

S.Sb/-

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