

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8159 of 2017

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Nishant Kumar Upadhyay S/o Late Daya Shanakar Upadhyay, resident of
L.I.G.- 44, Housing Board Colony, Dipugarha, P.S. and District- Hazaribagh
JHARKHAND.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Principal District Institute of Education and Training DIET, Pirauta,
Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ambrish Kumar Jha
For the Respondent/s : Mr. Rajeev Ranjan, AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 25-06-2024 1. Heard learned counsel for the parties concerned.
2. The petitioner is the son of erstwhile employee, who died
in harness in the year 2008.
3. The prayer of the petitioner is for grant of 1st ACP to his
deceased father. The father of the petitioner, namely, Late
Daya Shankar Upadhyay, was appointed on the post of
Lecturer in the Teachers Training College, Piraunta,
Bhojpur, vide notification, dated 04.03.1991 and date of
death of the petitioner's father is 20.06.2008.
4. Learned counsel for the State submits that the documents
of the petitioner's father were called for from the
concerned institution, but there is no instruction regarding



the decision taken by the respondent-authorities.

5. In view of the nature of prayer made in the writ application, the petitioner is permitted to file a fresh representation before the Director, Primary Education (respondent no. 3), within a period of four weeks from today.
6. If such a representation is filed by the petitioner, the Director, Primary Education, is directed to consider and dispose the same in accordance with law within a period of three months from the date of receipt of the representation.
7. It goes without saying that if the petitioner's father is found entitled for grant of ACP, the consequential benefits shall be paid by the respondents within a period of one month from the date of disposal of the representation.
8. With the aforesaid observations and directions, this writ application is disposed.

(Anil Kumar Sinha, J)

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