

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14606 of 2021

- 1.1. Chunchun Devi, Wife of Late Ram Bilas Thakur, Resident of Village- Keota, Post Office- Keota, Police Station- Dalsingsarai, District- Samastipur.
- 1.2. Shiv Nath Prasad, Son of Late Ram Bilas Thakur, Resident of Village- Keota, Post Office- Keota, Police Station- Dalsingsarai, District- Samastipur.
- 1.3. Prem Nath Prasad, Son of Late Ram Bilas Thakur, Resident of Village- Keota, Post Office- Keota, Police Station- Dalsingsarai, District- Samastipur.
- 1.4. Sudha Devi, Daughter of Late Ram Vilas Thakur and Wife of Pramod Thakur, Resident of Village- Alampur, Police Station- Vidhyapati Nagar, District- Samastipur.
- 1.5. Bindu Devi, Daughter of Late Ram Vilas Thakur, Wife of Dilip Kumar Thakur, Resident of Village- Balbhadrapur Khajuri, Police Station- Kishunpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Animal Husbandry and Fisheries, Government of Bihar, Patna.
2. The Principal Secretary, Animal Husbandry and Fisheries Department, Government of Bihar, Patna.
3. The Director, Animal Husbandry, Government of Bihar, Patna.
4. The Regional Director, Animal Husbandry, Central Range, Patna.
5. The Secretary, Department of Finance, Government of Bihar, Patna.
6. The Leave Reserve Officer, Establishment, Animal Husbandry Department, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anil Singh, Adv.
For the Respondent/s : Mr.Rishi Raj Sinha, SC-19
Mr.Atul Shankar, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 07-02-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) For setting aside Memo no 512 dated 20.2.2015 issued by Director Animal Husbandry, Bihar, Patna (Annexure P/17) modifying the earlier Memo no 106 dated 16.1.2014 (Annexure P/16) extending the



benefit of 2nd M.A.C.P w. e. f 19.3.2010 instead of 9.8.1999 in discriminatory manner excluding the service rendered in the corporation prior to absorption.

(ii) For setting aside Memo no 4705 dated 24.12.2019 issued by Joint Director Headquarter, Animal Husbandry Directorate, Patna as contained in Annexure P/25 by which similar benefits given to similar situated had been denied stating that the same would not be a precedent the same being contrary to and in conflict with the Bihar State Litigation Policy, 2011.

(iii) For commanding the respondent authorities to grant the petitioner's 1st A. C. P. 2nd ACP and 3rd M.A.C.P. (Modified Accelerated Career Progression) treating his entire service including the date of his initial appointment in Bihar State Dairy Corporation Limited.

(iv) For commanding the respondents to grant the benefits of M.A.C.P. to the petitioners as has been granted to the persons similarly situated with consequential benefits in view of judicial pronouncement contained in Annexure P/19, P/20 and P/22 as well as Bihar State Litigation Policy, 2011 (Annexure P/27) being covered matters under Para 4 (A).”

2. The learned counsel for the petitioners, has, at the outset, submitted that the present case is squarely covered by a



judgment rendered by a Co-ordinate Bench of this Court dated 24.11.2016 passed in CWJC No. 9071 of 2014 (Prabhakar Mishra & Ors. vs. The State of Bihar & Ors.), upheld by the learned Division Bench of this Court by a judgment dated 10.01.2018 passed in LPA No. 438 of 2017, as also upheld by the Hon'ble Apex Court by an order dated 12.07.2019 passed in SLP (C) No. 20892 of 2018, hence it is submitted that the respondents be directed to grant similar benefits to the petitioners.

3. Per contra, the learned counsel for the respondent-State submits that in case the petitioners approach the Principal Secretary/Additional Chief Secretary, Animal Husbandry and Fisheries Department, Government of Bihar, Patna i.e. the respondent no. 2 by filing appropriate representation, the case of the petitioners shall definitely be considered in light of the aforesaid judgments rendered by this Court as also upheld by the Hon'ble Apex Court.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioners to approach the respondent no. 2, by filing appropriate representation within a period of two weeks from today and in case such a representation is filed, the same shall be considered, in accordance with law as well as in light of the aforesaid



judgments rendered in the case of Prabhakar Mishra & Ors.
(supra) and a speaking and a reasoned order shall be passed
within a period of six weeks, thereafter.

5. The writ petition stands disposed off on the
aforesaid terms.

(Mohit Kumar Shah, J)

sonal/-

U			
---	--	--	--

