

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9237 of 2023

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Manoj Kumar Sinha Son of Basudeo Prasad Resident of 64/E, Rajendra Nagar, Police Staton Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Education Officer, Patna.
5. The District Programme Officer, Establishment, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Respondent/s : Mr.Jitendra Kumar Roy 1 (Sc 13)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-11-2024 Heard learned counsel for the parties.

2. The petitioner has filed the present writ application for issuance of appropriate order in the nature of mandamus commanding the respondent authorities to grant the benefit of first MACP w.e.f. 15.12.2009 on completion of ten years of service and second MACP w.e.f. 15.12.2019 on completion of twenty years of service under MACP scheme and the consequential monetary benefits and for any other writ/writs, order/orders which the petitioner may found to be entitled in the facts and circumstances of the case. IA No.1/ 2024 has been filed for a direction to the respondents for grant of



scale admissible to matric trained teacher from the date of appointment and the consequential benefits including the benefit of MACP or completion of required period of service.

3. Learned counsel for the petitioner submits that the case of the petitioner is squarely covered by the judgment passed in LPA No. 756 of 2015 arising out of C.W.J.C. No. 6139 of 2007 dated 16.08.2017. Hence, the petitioner is entitled to the similar relief as per the State Litigation Policy under Clause 4(c) (1) which reads as follows:-

“4.C Covered Matters: 4.C (1). A good number of cases are from the category of similar cases. Each Government Department will aim to consider and settle the claim of the representationist/applicant-employee/citizen, if the claim is found covered by any decision of the Court. Many service matters of this nature, can be disposed of at the level of the Department itself without compelling the litigant to come to the Court. In this manner, the Government Departments would be acting as efficient litigants.”

4. Considering the submissions made on behalf of the petitioner, the present writ application stands disposed of in light of the order passed in C.W.J.C. No. 6139 of 2007 dated 31.03.2011 and L.P.A. No. 756 of 2015 dated 16.08.2017 and the State Litigation Policy as quoted above.

5. Benefit granted to the petitioner of the aforesaid C.W.J.C. No. 6139 of 2007 dated 31.03.2011, shall be extended



to this petitioner within a period of six months from the date of making such representation before the competent authority.

(Prabhat Kumar Singh, J)

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