

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15395 of 2021

Medha Nath Mishra Son of Late Suryadev Mishra, resident of 102 C, Kailash Residence, Arya Samaj Mandir Road, R.P.S. More, Bailey Road, P.S.-Rupaspur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Higher Education Department, Government of Bihar, Patna.
2. The Secretary, Higher Education Department, Government of Bihar, Patna.
3. The Director, Higher Education Department, Government of Bihar, Patna.
4. The Principal, Rajkiya Mahila Mahavidyalya, Gulzarbagh, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mrs.Soni Shrivastava, Adv. Mr.Ravi Bhardwaj, Adv.
For the State	:	Mr.Kumar Kamal Naya, AC to SC 28

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-09-2024 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ application has been filed for the following relief/s:-

“i. To direct the respondent authorities to implement the memo no.5167 dated 27.06.2016 issued by the Finance Department, Government of Bihar, in the case of the petitioner, whereby the services on adhoc basis would be considered for the purpose of MACP and admittedly the petitioner has served on ad hoc basis for a period of 3 years from 08.04.1988 to 1991.

ii. To direct the respondent authorities to give



the benefits of the MACP in light of the government circular from the accrued date to the petitioner.”

3. At the outset, learned counsel for the petitioner has referred to the counter-affidavit, filed on behalf of the respondent nos.1 to 3, at para-15, wherein, it is stated that after correction of date of 1st ACP and 2nd ACP, appropriate steps will be taken for grant of MACP to the petitioner. She has further placed reliance on the order passed by the Full Bench as reported in 2024(4) BLJ 806.

4. Considering the grievance raised in the writ petition, petitioner is directed to file a detailed representation before the respondent no.3 within a period of three weeks from today and on receipt of the said representation, the respondent no.3 shall pass a reasoned and speaking order, considering Annexure-3, as also, the order passed by the Full Bench as reported in 2024 (4) BLJ 806 and para-15 of the counter-affidavit, as referred above. The said order shall be passed within a period of ten weeks from the date of receipt of representation of the petitioner.

5. If petitioner is found entitled for payment, then such payment/consequential benefit shall be extended to the petitioner, within a further period of two months.

6. It is made clear that if an order is not passed within the



stipulated period, respondent no.3 shall be personally held liable for non-compliance of the order of this Court.

7. The present writ petition is disposed off on the aforesaid terms.

(Anjani Kumar Sharan, J)

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