

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13095 of 2022

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Sachidanand Singh S/o Late Chand Gobind Singh Resident of Village and
P.O.- Kulharia, P.S.- Koilwar, District- Bhojpur, Pin code- 802160.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Secretary, Animal Husbandry and Fisheries Department, Vikas Bhawan,
Patna, Bihar.
3. Director, Animal Husbandry, Vikas Bhawan, Patna, Bihar.
4. Regional Director, Animal Husbandry, Central Range, Patna.
5. District Animal Husbandry Officer, Arrah, Bhojpur.
6. Veterinary Surgeon, Sheoganj, Arrah, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Atul Kumar Pandey, Advocate
For the Respondent/s	:	Mr.Rishi Raj Sinha (Sc19)
		Mr.Manoj Kr. Sinha, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 09-01-2024

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

“1. That, this is an application for issuance of writ in the nature of mandamus directing the respondents to grant the petitioner the benefit of first assured career progression (herein referred as A.C.P.) by shifting the date w.e.f. 09.08.1999 from 01.01.2011 after completion of 12 years of service and further for issuance of direction to grant the petitioner the benefit of 2nd A.C.P. w.e.f 27.08.2006 after completion of 24 years of service and further to grant of



M.A.C.P. w.e.f. 27.08.2012 after completion of 30 years of service with all consequential benefit including the revision of pension of the petitioner for which the petitioner is entitled to in accordance with law. Further for issuance of direction to respondents for making the payment of cost and interest for the delay in making the payment of the benefit of A.C.P. to the petitioner. ”

2. The learned counsel for the petitioner has submitted that on account of non-passing of the Departmental Accounts Examination, the petitioner has not been granted the benefits of the Assured Career Progression/Modified Assured Career Progression Scheme in time. It is submitted that the benefits of the 1st Assured Career Progression Scheme was due to be grant to the petitioner w.e.f. 09.08.1999, however, the same has been granted w.e.f. 01.01.2011, since the petitioner has passed the Departmental Accounts Examination, finally in the year 2011. It is further submitted that it is a well settled law that for the purposes of grant of the benefits of the Assured Career Progression/Modified Assured Career Progression Scheme, it is not necessary to pass the Departmental Accounts Examination, hence the respondents be directed to grant benefits of Assured Career Progression/Modified Assured Career Progression



Scheme w.e.f. the due date without being impeded by the fact that the petitioner has not passed the Departmental Accounts Examination in time.

3. This Court finds that the law regarding the issue under consideration is no longer res integra, inasmuch as a learned Division Bench of this Court in the case of the ***State of Bihar & Ors. vs. Ram Subhag Singh*** (LPA No. 4 of 2021), reported in ***2022 (2) PLJR 773***, by a judgment dated 11.5.2022, has held that non-passing of departmental examination shall not be an impediment to grant of the benefits of time bound promotions / ACP/MACP. In fact, this aspect of the matter has also been decided by a judgment, rendered by this Hon'ble Court in the case of ***State of Bihar & Ors. vs. Anjani Kumar***, reported in ***2013 (2) PLJR 643***, which has also been upheld by the Hon'ble Apex Court, by an order dated 10.3.2014, passed in SLP (C) No. 19182 of 2013. In this regard, reference be also had to a judgment rendered by the learned Division Bench of this Court in the case of ***State of Bihar & Ors. vs. Smt. Jivachi Devi***, reported in ***2020 (2) BLJ 471***, which has also been upheld by the Hon'ble Apex Court, in view of the dismissal of the Special Leave Petition filed by the respondent- State. It would be equally gainful to refer to a judgment rendered by the learned



Division Bench of this Court in the case of *The State of Bihar & Ors. vs. Shri Krishna Singh & Anr. (L.P.A. No. 372 of 2019)*. In a recent judgement, rendered by the Hon'ble Apex Court in the case of *Amresh Kumar Singh* (supra), it has been held that extending the benefit of ACP, which is purely and simply in the nature of grant of monetary benefit without actually effectuating any promotion to any higher post, cannot be withheld for not possessing additional educational qualification, hence for the purposes of granting benefits of ACP/MACP, passing of any exam is not necessary.

4. Thus, there is no iota of doubt that the petitioner has to be granted the benefits of the Assured Career Progression scheme as also that of MACP scheme, de hors the fact that the petitioner has not passed the Departmental Accounts Examination, in case he has not been promoted, in order to deal with the problem of stagnation.

5. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Director, Animal Husbandry Department, Government of Bihar, Patna to consider the case of the petitioner for grant of the benefits of the Assured Career Progression/Modified Assured Career Progression Scheme, without being impeded by the fact that the petitioner



has not passed the Departmental Accounts Examination in time and grant the benefits of the Assured Career Progression/Modified Assured Career Progression Scheme to the petitioner w.e.f. the due date by passing a reasoned and a speaking order, within a period of four weeks of receipt/production of a copy of this order.

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

(Mohit Kumar Shah, J)

Saurav/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.01.2024
Transmission Date	NA

