

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11506 of 2023

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Shubhendra Prasad Son of Late Dip Narayan Prasad, Resident of Mohalla-
Affim Kothi, Majhaua, P.S.- Arrah Town, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, General Administrative Department, Govt. of Bihar.
3. The Secretary, Rural Works Department, Govt. of Bihar,
4. The Deputy Secretary, Rural Works Department, Govt. of Bihar.
5. The Engineer-in-Chief, Rural Works Department, Govt. of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Chandra Mohan Singh, Advocate
For the Respondent/s : Mr.Ajay (Ga5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-01-2024 1. The present writ petition has been filed seeking the
following relief:-

“(1) To issue writ in the nature of certiorari for quashing the letter as contained in Memo No. 1023 dated 23.01.2019 issued under the signature of under Secretary General, Administrative Department, Govt. of Bihar by which admonition and stoppage of one increment with non-cumulative effect was passed against the petitioner which was illegal, unjustified and not in accordance with law.

(II) To issue writ in the nature of certiorari and set aside the period of suspension w.e.f. dated 02.06.2017 to 05.10.2017 in view of Rule-9(1) (Ka) of Bihar Government Servant (Classification, Control and Appeal)



Rules 2005 issued under the signature of Special Works Officer, Rural Works Department which was illegal, unjustified and not in accordance with law.

(III) To issue writ in the nature of mandamus commanding the respondents to pay full salary of suspension period since 02.06.2017 to 05.10.2017 for which the petitioner is fully entitled under law.

(IV) To issue writ in the nature of certiorari and quash the general remarks about the work of the official on the grading by Accepting Officer, Secretary, Rural Works Department, Dated 10.07.2019 and 15.07.2019 respectively which was contrary to the remarks given by Reviewing Officer.

(V) To issue writ in the nature of mandamus commanding the respondents to grant 3rd M.A.C.P. to the petitioner for which he is entitled since 22.08.2019 but same has not been granted to the petitioner on the ground of remarks/comments given by the Accepting Officer, Secretary Rural Works Department dated 10.07.2019 and dated 15.07.2019 respectively.”

2. At the outset, the learned counsel for the petitioner submits that since the service period of the petitioner has stood regularized, the present writ petition is being confined to issuance of a direction upon the respondents to grant the benefits of third MACP to the petitioner, hence liberty be granted to the petitioner to file appropriate representation before the Additional Chief Secretary, Rural Works Department, Government of Bihar,



Patna. Liberty so sought is granted.

3. It is needless to state that in case appropriate representation is filed, within a period of four weeks from today, the Additional Chief Secretary, Rural Works Department, Government of Bihar, Patna shall dispose off the same by passing a reasoned and a speaking order, in accordance with law, within a period of eight weeks, thereafter.

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

(Mohit Kumar Shah, J)

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