

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11850 of 2024

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Balister Prasad Choudhary son of Mathura Chaudhary, Resident of Behind Airtel Tower, Lohiyanagar, P.S.- Sahayak Manihari Mor, District- Katihar- 854105.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary, Finance Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, Public Health and Engineering Department (PHED), Government of Bihar, Patna.
4. The Deputy Secretary, Public Health and Engineering Department (PHED), Government of Bihar, Patna.
5. The Chief Engineer, Public Health and Engineering Department (PHED), Bihar, Patna.
6. The Executive Engineer, Public Health and Engineering Division, (PHED), Katihar.
7. The Accountant General (A and E), Bihar, Mahalekhakar Bhawan, Birchand Patel Path, Patna- 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Amit, Advocate
For the Respondent/s : Additional Advocate General (7)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-08-2024 Heard learned counsel for the petitioner and learned counsel for the State are present.

2. Learned counsel for the petitioner submits that he has filed the writ petition with the following reliefs:-

*(i) Issuance of an
order/direction/appropriate writ commanding
the Respondent to extend the benefit of
judgment dated 25.04.2023 passed by Hon'ble
Apex Court as contained in Annexure-6 by*



revising 1st, 2nd ACP and 3rd MACP to the petitioners in the basic grade of Accounts Officer i.e., in the scale of Rs. 6500-10500 (PB-2+4800), Rs. 10000 to 15200 (PB-3+6600) Grade Pay 7600 respectively which is the pay scale of the post of Accounts Officer in the channel of promotion from the cadre of Accounts Clerk.

(ii) For direction upon the Respondents to grant similar relief which has been granted to the Petitioners of CWJC No. 19442 of 2016 (Amresh Kumar Sinha and others vs. State of Bihar and others), which has been upheld by Hon'ble Apex Court vide order dated 25.04.2023 passed in SLP (C) No. 8219-8226 of 2019 in view of Bihar Litigation Policy as the petitioners are similarly situated.

(iii) For an order direction or appropriate writ declaring that Resolution No. 163 dated 08.01.2016 of the Finance Department whereby ACP as per Bihar Accounts Rules 2000 was given only to those employee who were graduate to be bad and unsustainable in the light of judgment dated 25.04.2023 passed in SLP(C) No. 8219-8226 of 2019 whereby the Hon'ble Apex Court held that the Accounts Clerk are entitled for financial upgradation under the ACP on completion of requisite regular service ignoring the higher qualification prescribed



for the next higher post.

(iv) Any other order/orders for which the petitioners are found entitled to in the facts and circumstances of the present case.

3. Learned counsel for the petitioner further submits that the case of petitioner is covered in the light of various decisions mentioned herein and he is entitled for the benefit in the light of rule 4(C) of the Bihar State Litigation Policy, 2011 which is as follows:-

“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. He submits that he has filed representation to the Principal Secretary, Department of Finance, Government of Bihar, Patna (as contained in Annexure -P/8 to the writ petition) but till date no decision has been taken by him.

5. Learned counsel for State submits that the writ



petition may be disposed off directing the the petitioner to file a fresh representation before the Additional Chief Secretary, Department of Finance, Government of Bihar. Patna as he is the competent authority.

6. As such, the petitioner is directed to file a fresh representation before the Additional Chief Secretary, Department of Finance, Government of Bihar, Patna within 30 days from today along with a copy of this order whereupon the Additional Chief Secretary, Department of Finance, Government of Bihar, Patna is directed to pass a reasoned and speaking order on the representation filed by the petitioner within 90 days thereafter.

7. With this direction, this writ petition is disposed off.

(Dr. Anshuman, J.)

Ashwini/Aman/-

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