

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12691 of 2024

Om Prakash @ Om Prakash Srivastava S/o- Late Jagdish Lal, R/o- 653, Ward No. 6, Deoria Khas, Satsang Bhawan Road, Krishna Nagar, Deoria, Uttar Pradesh, P.S.- Deoria, Uttar Pradesh- 274001.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar.
2. The Additional Chief Secretary, Finance Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, Water Resources Department, Government of Bihar, Patna.
4. The Deputy Secretary, Water Resources Department, Government of Bihar, Patna.
5. The Chief Engineer, Irrigation Creation, Water Resources Department, Siwan.
6. The Executive Engineer, Design Division, Siwan.
7. The Accountant General (A and E), Bihar, Mahalekhakar Bhawan, Birchand Patel Path, Patna- 800001

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Roona, Advocate
For the AG (Bihar)	:	Mr.Bindhyachal Rai, Advocate
For the Respondent/s	:	Mr.Manoj Kumar, AC to GP 4

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-08-2024 Heard Mr. Roona, learned counsel appearing on behalf of the petitioner; Mr. Bindhyachal Rai, learned counsel appearing on behalf of Accountant General (Bihar) and Mr. Manoj Kumar, learned AC to GP 4 for the respondents/State.

2. The petitioner in paragraph no. 1 of the present writ petition has sought *inter alia* following relief(s), which is reproduced hereinafter:-

“For 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 petitioner 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 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 petitioner is found entitled to in the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner seeks to file a detailed representation before respondent no.5 (The Chief Engineer, Irrigation Creation, Water Resources Department, Siwan) for redressal of his grievance, as prayed for in the present writ petition, in view of



the law laid down by the Apex Court in case of **Amresh Kumar Sinha & Ors. v. The State of Bihar & Ors. (SLP (C) Nos. 8219-8226 of 2016)** and later on clarified by the Full Bench of this Court in the case of **Kamlanand Thakur vs. State of Bihar & Ors. (C.W.J.C. No. 18727 of 2017)**.

4. Considering the aforesaid submission made on behalf of the petitioner, the respondent no.5 is required to call for service particulars of the petitioner and verify, as to whether, any disciplinary action was taken against the petitioner and decide the grievance of the petitioner expeditiously, in light of the law laid down by the Apex Court in the case of **Amresh Kumar Sinha (Supra)** and the Full Bench of this Court in the case of **Kamlanand Thakur (Supra)**.

5. Accordingly, the present writ petition application stands disposed of.

(Purnendu Singh, J)

chn/-

U			
---	--	--	--

