

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11759 of 2015

Nand Kishore Singh Son of Late Raj Narayan Singh, resident of Village - Bilashpur, P.O. - Bhikhampur, Police Station - Bhagwanpur Hat, District - Siwan, retired while working as an assistant teacher in Govt. Middle school Bhishampur, Anchal Bhagwanpur Hat, District - Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Siwan.
4. The District Education Officer, Siwan.
5. The District Programme Officer Establishment, Siwan.
6. The Block Education Officer, Bhagwanpur Hat, District - Siwan.
7. The Headmaster - cum - Drawing and Disbursing Officer, Govt. Middle School Bhishampur, Anchal Bhagw

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Kumar Alok- SC7
		Mr. Satyeshwar Prasad, A.C. to SC 7

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 02-02-2024

1. Heard learned counsel for the parties.

2. The petitioner filed the instant application for the following reliefs:

“i) For issuance of an appropriate writ in the nature of certiorari for quashing the letter no.5394 dated 23.12.2014 issued under the signature of District Programme Officer, Establishment (Education, Siwan by which he has rejected the claim of the petitioner for grant of benefit of 2nd A.C.P.

(ii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the authorities concerned respondent grant 2nd to A.C.P. after completion of 24 years of the service of the petitioner along with the differences of monetary benefits from his due date for which the petitioner is



being deprived whereas other similarly situated have been given the benefit of 2nd A.C.P.

iii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the authorities concerned respondent grant the to benefit of 2nd A.C.P. to the petitioner along with monetary benefit as even after the repeated representation of the petitioner for granting the same has been un-disposed off till date.

iv) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to dispose of the representation of the petitioner for providing 2nd A.C.P. from the due date of his entitlement as other similarly situated have been given whereas the petitioner has been deprived the same.

v) For issuance of any other appropriate writ / writs, order / orders, direction / directions for which the writ petitioner will be found entitled in the facts and circumstances of the case.”

3. Bereft of unnecessary details, it is submitted by learned counsel for the respondents-State of Bihar that a supplementary counter affidavit on behalf of respondent no.5 sworn by the District Programme Officer (Establishment) has been filed on 10.1.2024 from which it would transpire that the petitioner has been granted the 2nd and 3rd ACP, the pay fixation slip and original service book have been sent to the Accountant General for revision of pension and the consequential benefits shall be paid to the petitioner soon.

4. Relevant paragraphs of the supplementary counter affidavit filed on behalf of the respondent no.5 is reproduced



hereinbelow;

“8. That in view of aforesaid 7.10.2021 and resolution dated 14.9.2022 the District Education Officer, Siwan has granted second ACP and 3rd ACP w.e.f. 1.1.2009 and 27.2.2009 respectively vide memo no. 564 dated 28.2.2023 The name of petitioner appears at serial no. 473.

A Photo copy of memo no. 564 dated 28.2.2023 is annexed herewith and marked as Annexure-C

9. That after granting the benefit of 2nd and 3rd MACP of the petitioner the District Programme Officer (Establishment) Siwan has send the pay fixation slip and original service book to the Accountant General, Bihar for revision of pension vide letter no. 1990 dated 28.12.2023.

A Photo copy of letter 1990 dated no. 28.12.2023 is annexed herewith and marked as Annexure-D

10. That in view of aforesaid facts and circumstances the grievance for grant of 2nd and 3rd ACP have been redressed and as such the instant writ petition is fit to be dismissed as infructuous.”

5. At this stage, learned counsel for the petitioner submits that as per oral instructions received, the benefits have still not been received by the petitioner.

6. In view of the contents of the counter affidavit as quoted hereinabove, the Court expects that the consequential benefits would be received by the petitioner soon, the orders already having been sent to the office of the Accountant General, who is not a party respondent herein.



7. The writ application stands disposed of.

(Partha Sarthy, J)

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