

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14343 of 2024

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Ranjit Kumar S/o Late Chandrama Lal R/o Village and post-Gahrn, P.S.-
Tarari, Dist- Bhojpur Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resource Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Water Resource Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Engineer-in-Chief cum Special Secretary, Water Resource Department, Govt. of Bihar, Patna.
5. The Chief Engineer, Irrigation Creation (Sinchai Srijan) Water Resource Department, Motihari.
6. The Superintending Engineer, Tirhut Canal Circle, Muzaffarpur,
7. The Executive Engineer, Tirhut Canal Division, Ratwara, Muzaffarpur.
8. The Accountant General, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siyaram Pandey, Adv.
For the Respondent/s	:	Mr. Jai Prabhat Kishore, AC to SC13
For the AG	:	Mr. Arun Kumar Arun, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-09-2024 Heard Learned Counsel for the petitioner and

Learned Counsel for the State.

2. Learned Counsel for the petitioner submits that the present writ petition has been filed for grant of A.C.P./ M.A.C.P. to the petitioner in the light of relevant A.C.P./ M.A.C.P. Rule as well as in the light of order dated 28.06.2024 passed in C.W.J.C. No.18727 of 2017 (*Kamlanand Thakur Vs. The State of Bihar*), a Full Bench decision of this Hon'ble Court.



3. Learned Counsel for the petitioner submits that the petitioner has filed a representation for consideration of his claim *vide* Annexure-P/6 series of the present writ petition in this regard and acknowledgment has also been made from Officials *vide* Letter No.690 dated 12.07.2023 (Annexure-P/5 of the present writ petition), till date, no decision has been taken on his representation.

4. Learned Counsel for the State submits that the matter is very old and the petitioner has come later on.

5. After hearing the argument, it transpires to this Court that the said judgment of Hon'ble Full Bench has come on 28.06.2024 therefore, contention of the respondent cannot be accepted on the ground of delay.

6. In this background, it transpires to this Court that the petitioner has made representation before the Executive Engineer and acknowledgment of his representation has been made by the Chief Engineer, but since it is an policy matter, then his matter ought to be decided at the level of Principal Secretary who is Respondent No.2 in the present case. As such, the present writ petition is hereby disposed off directing the petitioner to file a fresh representation describing his all details before the Principal Secretary, Water Resource Department,



Government of Bihar (Respondent No.2) within 30 days from today and Respondent No.2 shall pass a reasoned and speaking order after considering the case of the petitioner as well as the said judgment of Full Bench of this Hon’ble Court passed in C.W.J.C. No.18727 of 2017 (*i.e., Kamlanand Thakur Vs. The State of Bihar*) within 90 days thereafter.

7. With the aforesaid direction, the present writ application stands disposed off.

(Dr. Anshuman, J.)

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