

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.95 of 2022

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Satish Kumar Son of Late Srichand Sao Resident at Mohalla- Jhingnagar
Police Station- Biharsharif, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Nalanda District- Nalanda.
5. The District Education Officer, Nalanda District- Nalanda.
6. The District Programme Officer (Establishment) Nalanda District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate
For the Respondent/s : Mr. Kameshwar Kumar, GP-17

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 28-03-2024

Heard learned counsel for the petitioner and learned
counsel for the State.

2. By the present writ application, the petitioner
seeks a direction to the respondents to grant him the benefit of
1st A.C.P. and 2nd A.C.P. along with all consequential benefits.

3. The case of the petitioner is that he was
appointed on the post of Assistant Teacher on 27.04.1982. Vide
Memo No.497 dated 11.02.2008, the petitioner was suspended.
Being aggrieved by his suspension, he filed a writ application,
bearing C.W.J.C. No.2636 of 2004. During the pendency of



C.W.J.C. No.2636 of 2004, the petitioner was removed from the service and the writ application was dismissed as withdrawn. Thereafter, the petitioner again filed a writ application, bearing C.W.J.C. No.15845 of 2012, vide order dated 21.08.2018, this Court has pleased to quash the order dated 19.08.2004 and direct to pay entire subsistence allowance within a period of one month. The petitioner had filed an application along with the order dated 21.08.2018 before the respondents but the respondents have not taken any action. The petitioner had also filed an application on 17.08.2021 for grant of A.C.P. The petitioner has retired on 31.02.2022.

4. A counter affidavit filed on behalf of respondent no.6 is on record in which it is, *inter alia*, stated that vide letter dated 01.11.2022, the respondent no.6 issued direction to the petitioner to first make verification of his service book by the competent authority so that his A.C.P. may be sanctioned.

5. In my opinion, the petitioner is neither the custodian of his service book nor the verifying authority. It is incumbent upon the respondents to verify the same.

6. In that view of the matter, this writ application is disposed of with a direction to respondent no.5 to dispose of the representation of the petitioner earlier filed by him within a



period of eight weeks positively by a speaking and reasoned order.

7. It goes without saying that respondent no.5 shall be responsible for non-compliance of this order within the stipulated period.

(Anjani Kumar Sharan, J)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.03.2024
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