

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14724 of 2023

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Jagarnath Ram son of Late Jaga Ram Resident of village- Mathurapur, P.O. Patahi, P.S. Muzaffarpur Sadar, District - Muzaffarpur, the retired Peon, Research Institute of Prakrit Jaincology Ahinsa, Basokund, Vaishali, District - Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Education Department, Government of Bihar, Patna.
4. The Director, Research Institute of Prakrit Jaincology Ahinsa, Basokund Vaishali District - Vaishali at Hajipur

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Vijay Kumar Singh, Advocate
For the State	:	Mr. Jitendra Kr. Roy 1, SC-13

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-12-2024 Heard learned counsels for the parties.

2. This writ application has been filed for the
following relief/s:-

“(I) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to grant the benefit of first Assured Career Progression (hereinafter referred to A.C.P.) to the petitioner with effect from 09.08.1999 and the benefits of second A.C.P. with effect from on 06.06. 2003 in view of the provisions as contained under Bihar State Employees Service Condition (Assured Career Progression Scheme) Rules, 2003 on the ground that the petitioner had already completed 12 years of service on 09.08.1999 and had also completed 24 years of service on 06.06.2003 since his initial date of appointment is 06.06.1979.

(II) For issuance of an appropriate writ in the nature of



MANDAMUS commanding and directing the Respondent Authorities to grant the benefit of third Modified Assured Career Progression (hereinafter referred to as MACP) to the petitioner with effect from 06.06.2009 in view of the Bihar State Employees Service Condition (Modified Assured Career Progression Scheme) Rules, 2010 on the ground that the petitioner had completed 30 years of service on 06.06.2009.

(III) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities for payment of consequential benefits such as differences of arrears of salary as well as pensionary benefits to the petitioner on grant of such benefit of A.C.P. /MACP for which the petitioner became entitled in accordance with law.

(IV) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to pay the differences of salary on account of revision of salary.

(V) For issuance of an appropriate writ in the nature of MANDAMUS , commanding and directing the Respondent Authorities to pay all the differential amount to the petitioner with interest.

(VI) For issuance of any other appropriate writ/writs order /orders, direction/directions for which the writ petitioners would be found entitled under the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner submits that in this connection, petitioner has already filed a detailed representation on 23.12.2022 before the Director, Research Institute of Prakrit Jaincology Ahinsa, Basokund, Vaishali, District- Vaishali at Hajipur (Respondent No. 4) but till date, the same has not been disposed of.

4. In view of the nature of grievance raised by the



petitioner, this writ application is disposed of with direction to the petitioner to file fresh representation before the Director, Research Institute of Prakrit Jaincology Ahinsa, Basokund, Vaishali, District- Vaishali at Hajipur (Respondent No. 4) along with all the necessary documents and details in support of his claim within a period of four weeks from today.

5. In the event the petitioner files his representation within the stipulated period, the Director, Research Institute of Prakrit Jaincology Ahinsa, Basokund, Vaishali, District- Vaishali at Hajipur (Respondent No. 4) shall dispose of the same, in accordance with law, after hearing the parties, by a reasoned and speaking order, preferably within a period of three months from the date of filing of the representation.

(Prabhat Kumar Singh, J)

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