

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15563 of 2024

1. Shashi Bhushan Prasad Sinha son of late Satyadeo Prasad Singh resident of village- Dewkuliya, P.S. Phenhara, District- East Champaran at Motihari, the retired Senior Accounts Clerk office of the Executive Engineer (Mechanical), Water Resources Department, Irrigation Mechanical Division, Muzaffarpur.
2. Prem Chand Prasad Singh son of Late Ramanand Prasad resident of village- Bangar, P.O. Ramchaura, P.S. Isuapur, District - Saran at Chapra, presently working as Senior Accounts Clerk office of the Executive Engineer (Mechanical), Water Resources Department Irrigation Mechanical Division, Muzaffarpur.
3. Devesh Kumar son of Late Shailendra Kumar Srivastava resident of House No.49, Mohalla- Bhagwan Das, Near J.P. Chowk, Darbhanga, P.O. and P.S. Darbhanga, District Darbhanga, presently working as Senior Accounts Clerk office of the Executive Engineer (Mechanical), Water Resources Department, Irrigation Mechanical Division, Darbhanga.
4. Binod Kumar son of Late Ram Kishun Yadav resident of 192, Ward NO.13, Near Baandh Lakshmipur, P.O. Dodwar, P.S. Jai Nagar, District - Madhubani , presently working as Senior Accounts Clerk office of the Executive Engineer (Mechanical), Water Resources Department , Irrigation Mechanical Division, Darbhanga.
5. Jitendra Kumar son of Late Lalan Prasad resident of Quarter No.2, SPF-12, Gandak Colony, Valmikinagar, P.O. and P.S. Valmikinagar, District West Champaran at Bettiah, presently working as Senior Accounts Clerk office of the Executive Engineer, Water Resources Department, Flood Control Division, Bagaha.
6. Jai Prakash Yadav son of Late Ram Balak Yadav resident of village- Jhakhra, P.O. and P.S. Gopalpur, District- West Champaran at Bettiah, the retired Senior Accounts Clerk office of the Executive Engineer, Water Resources Department, Tirhut Canal Division-1, Bettiah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Secretary (Expenditure), Finance Department, Government of Bihar, Patna.
4. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
5. The Engineer-in-Chief-cum- Additional Secretary -cum- Special Secretary, Water Resources Department, Government of Bihar, Patna.
6. The Chief Engineer (Headquarter), Water Resources Department, Bihar, Patna.
7. The Superintending Engineer (Mechanical), Water Resources Department, Irrigation Mechanical Circle, Muzaffarpur.



8. The Superintending Engineer (Mechanical), Water Resources Department, Irrigation Mechanical Circle, Birpur.
9. The Superintending Engineer, Water Resources Department, Gandak Barrage Circle, Balmiki Nagar.
10. The Superintending Engineer, Water Resources Department, Tirhut Canal Circle, Bettiah.
11. The Executive Engineer (Mechanical), Water Resources department, Irrigation Mechanical Division, Muzaffarpur
12. The Executive Engineer (Mechanical), Water Resources Department, Irrigation Mechanical Division, Samastipur.
13. The Executive Engineer (Mechanical), Water Resources Department, Irrigation Mechanical Division, Darbhanga.
14. The Executive Engineer, Water Resources Department, Flood Control Division, Bagaha.
15. The Executive Engineer, Water Resources Department, Tirhut Canal Division-1, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Awnish Kumar, Advocate.
For the Respondent/s : Dr. Md. Raisul Haque, SC-10.
Mr. Binay Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-10-2024 Heard Mr. Awnish Kumar, learned counsel appearing on behalf of the petitioners and Dr. Md. Raisul Haque, learned SC-10 along with Mr. Binay Kumar, learned counsel appearing on behalf of the respondents.

2. Considering the relief as sought for in the present writ petition, I find that the writ petition cannot be held to be maintainable in want of detailed pleading in respect of each and every petitioner. However, considering the relief as sought for by the petitioners in respect of grant of financial upgradation on account of ACP/MACP scheme, learned counsel appearing on



behalf of the petitioners seeks to withdraw the present writ petition with liberty to file individual comprehensive representation giving the details of each of the petitioner and the date on which they became entitled for first ACP and as a consequence thereof, 2nd ACP and MACP in light of the law laid down by the Apex Court in the case of **Amresh Kumar Singh & Ors. Vs. The State of Bihar & Ors.** reported in **2023 SCC OnLine SC 496** and the recent judgment dated 28.06.2024 of the Hon'ble Full Bench of this Court passed in **CWJC No. 18727 of 2017 (Kamlanand Thakur Vs. The State of Bihar)** and other analogous matter, before the respondent no.4 – the Principal Secretary, Water Resources Department, Government of Bihar, Patna, who is directed to dispose of the representation of the petitioners expeditiously.

3. Considering the aforesaid submission made on behalf of the petitioners, the writ petition is dismissed as withdrawn with aforesaid liberty to the petitioners.

(Purnendu Singh, J)

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