

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17802 of 2024

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Ram Lakhan Sharma Son of Tunay Sharma, Resident of Gami Tola, Amdabad
Katihar, P.S. Katihar Town, District- Katihar- 854105.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary, Finance Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, Public Health and Engineering Department (PHED), Government of Bihar, Patna.
4. The Deputy Secretary, Public Health and Engineering Department (PHED), Government of Bihar, Patna.
5. The Chief Engineer, Public Health and Engineering Department (PHED), Bihar, Patna.
6. The Executive Engineer, Public Health and Engineering Division, (PHED), Katihar.
7. The Accountant General (A and E), Bihar, Mahalekhakar Bhawan, Birchand Patel Path, Patna - 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kumar Amit, Advocate
For the Respondent/s	:	Mr. Ramadhar Singh, GP 25

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-11-2024 Heard Mr. Kumar Amit, learned counsel appearing

on behalf of the petitioner and Mr. Ramadhar Singh, learned GP

25 for the State.

2. Petitioner has *inter alia* prayed for following reliefs

in the paragraphs No.1 of the writ petition:-

“(I) Issuance of an
order/direction/appropriate writ commanding the
Respondent to extend the benefit of judgment dated



25.04.2023 passed by Hon'ble Apex Court as contained in Annexure-6 by revising 1st, 2nd ACP and 3rd MACP to the Petitioners in the basic grade of Accounts Officer i.e. in the scale of Rs. 6500-10500 (PB-2+4800), Rs. 10000 to 15200 (PB-3+6600) Grade Pay 7600 respectively which is the pay scale of the post of Accounts Officer in the channel of promotion from the cadre of Accounts Clerk.

(ii) For direction upon the Respondents to grant similar relief which has been granted to the Petitioners of C.W.J.C. No. 19442 of 2016 (Amresh Kumar Sinha and others vs. State of Bihar and others), which has been upheld by Hon'ble Apex Court vide order dated 25.04.2023 passed in SLP (C) No. 8219-8226 of 2019 in view of Bihar Litigation Policy as the Petitioners are similarly situated.

(iii) For an order direction or appropriate writ declaring that Resolution No. 163 dated 08.01.2016 of the Finance Department whereby ACP as per Bihar Accounts Rules 2000 was given only to those employee who were graduate to be bad and unsustainable in the light of judgment dated 25.04.2023 passed in SLP(C) No. 8219-8226 of 2019 whereby the Hon'ble Apex Court held that the Accounts Clerk are entitled for financial upgradation under the ACP on completion of requisite regular service ignoring the higher qualification prescribed for the next higher post.

(iv) Any other order/orders for which the petitioners are found entitled to in the facts and circumstances of the present case.”

3. Petitioner is aggrieved by non-consideration of the



detailed representation filed by him in light of Clause 4 C (1) of the Bihar State Litigation Policy, 2011 and the judgment passed by the Apex Court in ***S.L.P. No. 8219-8226 of 2019 (Amresh Kumar Singh & Ors. ETC. vs. The State of Bihar & Ors. ETC.)***, as well as, the government notification complied with the law laid down by the Apex Court as contained in Letter No. 3A-Muka.-136/2019 dated 28.02.2024. The authority concerned for the reason best known to him/her, is sitting tight over the representation of the petitioner.

4. Learned counsel appearing on behalf of the State informs that the matter can well be considered by the Additional Chief Secretary, Finance Department, Government of Bihar, in light of the law laid down by the Apex Court in case of ***Amresh Kumar Singh (Supra)*** and in light of Clause 4 C (1) of the Bihar State Litigation Policy, 2011 for considering to grant relief as prayed for in the present writ petition to the petitioner.

5. Considering the rival submissions made on behalf of the parties, as well as, the admitted fact that the case of the petitioner is covered by the judgment passed by the Apex Court in case of ***Amresh Kumar Singh (Supra)***, the petitioner is directed to file fresh detailed representation before the Additional Chief Secretary, Finance Department, Government



of Bihar.

6. The Additional Chief Secretary, Finance Department, Government of Bihar is directed to call for the service particulars of the petitioner and take a conscious decision in respect of the relief as prayed for in the present writ petition so that the petitioner must not be discriminated for having not his case being considered for a long period of time in spite of the specific legislation of the State Government in respect of the Bihar Litigation Policy, 2011 for disposal of such matters, which require no further litigation.

7. The Additional Chief Secretary, Finance Department, Government of Bihar, in case, finds that any document is required from the petitioner, the petitioner should be given due opportunity to provide the same and, in case, he finds that the case of the petitioner is not similar to the other employees, in whose cases, the Hon'ble Supreme Court has laid down the law in case of *Amresh Kumar Singh (Supra)*, then, after providing due opportunity of hearing to the petitioner, a conscious decision is required to be taken by him in accordance with law giving reason, as to why, the case of the petitioner is not covered by the *Amresh Kumar Singh (Supra)* and don't required to be considered in light of Bihar Litigation Policy,



2011.

8. With above observations/directions, the present writ
petition is disposed of.

(Purnendu Singh, J)

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