

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1075 of 2022

Yogendra Prasad S/o - Late Shyam Nandan Sharma Resident of Village and
P.O. - Jaipur, P.S. - Mehadia, District- Arwal. At present Store Keeper, Sone
High Level Canal Division, Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Water Resource Department,
Govt. of Bihar, Patna.
2. The Principal Secretary, Water Resource Department, Govt. of Bihar, Patna.
3. The Engineer - in - Chief, Water Resource Department, Govt. of Bihar,
Patna.
4. The Chief Engineer, Water Resource Department, Govt. of Bihar,
Aurangabad.
5. The Superintending Engineer, Water Resource Department, Govt. of Bihar,
Aurangabad.
6. The Executive Engineer, Water Resource Department, Govt. of Bihar,
Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh, Advocate Mr. Akashdeep, Advocate Mr. Shyameshwar Kr. Singh, Advocate
For the State	:	Mr. Sudhanshu Bhushan (AC to GP-7)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 16-12-2025

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

2. The present writ petition has been filed for the
following relief(s):-

*“I. Writ in the nature of Certiorari or
any other appropriate writ/writs,*



order/orders, direction/directions quashing the order dated 05.02.2019 as contained in Memo No. 241 by the Respondent No. 4 whereby and where under the prayer for grant of MACP has been refused in terms of Letter No. 3111 dated 25.03.15 and Letter No. 8059 dated 14.09.15 referred to in Annexure-1 of the present writ application.

II. Writ in the nature of a Mandamus or any appropriate writ/writs, order/orders, direction/directions commanding the Respondent No. 4 not to give effect to the order as contained in Annexure-1 and to pay all remuneration in term of grant of MACP.

III. To any other relief/reliefs to which the petitioner maybe found entitled too.”

3. Learned counsel for the petitioner submits that the petitioner was admittedly appointed on 09.09.1998 as a Store Keeper in the scale of Rs. 1200-1800. Counsel submits that the issue involved in the present writ petition has already been tested by this Hon'ble Court in C.W.J.C No. 9553 of 2016 (Annexure- 5), further in L.P.A. No. 1944 of 2016 (Annexure-



6) as well as in L.P.A. No. 1979 of 2010 (Annexure- P/7). Counsel submits that there is a cut off date i.e. 28.09.1999 and it has been decided that those persons who have been appointed between 01.05.1980 to 27.09.1999 shall be granted certain benefits and those who has been granted on and after 28.09.1999, shall not be granted those benefits. Counsel submits that the petitioner was admittedly appointed on 09.09.1998 i.e. between 01.05.1980 to 27.09.1999. He further submits that the benefit was granted to the petitioner, but subsequently, *vide* Annexure-1, the benefit granted to the petitioner has been withdrawn. Therefore, he challenged both the annexures i.e. Annexure 1 and 3. Counsel further submits that neither Annexure-1 nor Annexure-3 has considered the ratio laid down by this Hon'ble Court, which forms part and parcel of Annexures- 5, 6, and P/7. Therefore, he submits that whatever be the relief granted by this Hon'ble Court to the similarly situated persons as contained in Annexures- 5, 6 & P/7, petitioner is also entitled for the same due to the reason that Clause 4.C of the Bihar State Litigation Policy, 2011 is very much clear on the said point. Counsel submits that in that background, Annexure-1 be set aside and Annexure-3 may be made inoperative for the petitioner and respondents be directed



to pass order afresh considering Annexures- 5, 6 & P/7.

4. Learned counsel for the State on the other hand submits that it is true that the benefit was granted to the petitioner and it was withdrawn *vide* Letter No. 241 dated 05.02.2019 due to the resolution of the Finance Department dated 25.03.2015 and therefore according to him, the decision of withdrawal of the benefit granted to the petitioner is completely in accordance with law.

5. After hearing the parties, it transpires that the case of petitioner is similarly situated as that of petitioners of Annexures- 5, 6 & P/7. It also transpires to this Court that the name of petitioner is not there in Annexures- 5, 6 & P/7, but he is similarly situated. The Clause 4.C of the Bihar State Litigation Policy, 2011 is very much clear which is quoted herein below:-

“A good number of cases are from the category of similar cases. Each Government Department will aim to consider and settle the claim of the representationist/applicant -employee / citizen, if the claim is found covered by any decision of the Court. Many service matters of this nature, can be disposed of at the level of the Department itself without compelling



the litigant to come to the Court. In this manner, the Government Departments would be acting as efficient litigants.”

6. Therefore, this Court is of the firm view that whatever be the benefits granted to the petitioners of Annexures- 5, 6 & P/7, the present petitioner is also entitled for the same. It also transpires to this Court that in the Letter No. 8059 dated 14.09.2015 (Annexure-3), the decision and ratio of this Hon’ble Court as laid down in Annexures- 5, 6 & P/7 has not been considered at all. Hence, it is due to this reason, the Letter No. 241 dated 05.02.2019 (Annexure-1) is hereby set aside and the Annexure-3 i.e. Letter No. 8059 dated 14.09.2015 is directed to be inoperative for the petitioner.

7. The Engineer-in-Chief, Water Resource Department, Govt. of Bihar, Patna (Respondent no.3) is hereby directed to pass order afresh considering the decision taken by this Hon’ble Court contained in Annexures- 5, 6 & P/7 and Clause 4.C of the Bihar State Litigation Policy, 2011 mentioned above as well as Annexure-2 i.e. resolution of the Finance Department dated 25.03.2015, within 90 days from the date of production of a receipt/copy of this order.



8. Accordingly, with the aforesaid direction, the present writ petition stands allowed.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	22/12/2025
Transmission Date	NA

