

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11190 of 2017

- 1.1. Ratan Mala Wife of Late Vimal Kishore Yadav, Resident of Nathnagar Bhimkitta, Rampur Khurd, P.S. Nathnagar, District- Bhagalpur.
- 1.2. Bipul Ranakar Son of late Vimal Kishore Yadav Resident of Nathnagar Bhimkitta, Rampur Khurd, P.S. Nathnagar, District- Bhagalpur.
- 1.3. Rahul Ratna Priya Son of late Vimal Kishore Yadav, Resident of Nathnagar Bhimkitta, Rampur Khurd, P.S. Nathnagar, District- Bhagalpur.
- 1.4. Kunal Ratna Priya Son of late Vimal Kishore Yadav, Resident of Nathnagar Bhimkitta, Rampur Khurd, P.S. Nathnagar, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Ptna.
2. The Principal Secretary, Education Departmen, Government of Bihar, Patna
3. The Director, Administration-Cum-Additional Secretary Education Department, New Secretary, Bihar, P
4. The Additional Secretary Finance Individual Claim Settlement Cell Department, Government of Bihar,
5. The District Education Officer, Patna.
6. The Principal Primary Teachers Training Education College, Mahendur, Patna-6
7. The Accountant General Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ajoy Kumar Chakraborty, Adv.
For the Respondent/s	:	Mr. Prabhat Ranjan Singh, AC to AAG-15
For the AG	:	Mr. Raj Nandan Prasad, Adv.
		Mr. Vishesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

5 17-11-2025 Heard learned counsel for the petitioner, learned counsel for Accountant General, Bihar and learned counsel for the respondents-State.

2. With the consent of the parties, the present writ application is being disposed of at this stage itself.

3. The petitioner in the present writ application has claimed the following reliefs:



“That this is an application for issuance of writ in the nature of writ of mandamus or any other appropriate writ or writs, order or direction commanding the respondent to pay benefit of 1 and 2nd A.C.P. (Assured Career Progression) in place of 1st and 2nd time bound promotion not paid to the petitioner till the date of retirement when the petitioner admittedly rendered services for long 31 years of continuous services (Entry into service 02.08.1973 and superannuated with effect from 29.02.2004).”

4. While advancing argument, learned counsel for the petitioner submits that although he has given representations in the past to the authorities, but he is willing to file a fresh representation before the Principal Secretary, Department of Education, Primary and Adult Education, Government of Bihar, Patna (respondent no.2) within one month from today for claiming the same relief which he has claimed in the present writ application. He further submits that if such a representation is filed by the petitioner, an appropriate direction be issued to the respondent no.2 i.e. Principal Secretary, Department of Education, Primary and Adult Education, Government of Bihar, Patna to decide the said representation within a fixed time frame after giving an opportunity of hearing to the legal heirs of the petitioner.

5. To the aforesaid prayer being made by learned counsel appearing for legal heirs of the petitioner, the learned



counsel appearing for Accountant General, Bihar and learned counsel for respondents-State do not have any objection.

6. Considering the limited nature of prayer being made by learned counsel for legal heirs of the petitioner, this writ application is disposed of granting liberty to file a fresh representation before the Principal Secretary, Department of Education, Primary and Adult Education, Government of Bihar, Patna within one month from today, and if such a representation is filed within the stipulated time, the the Principal Secretary, Department of Education, Primary and Adult Education, Government of Bihar, Patna shall dispose of the same within three months from the date of filing of the representation, after giving an opportunity of hearing to the legal heirs of the petitioner. Needless to emphasize that the final order which shall be passed by the respondent no.2 i.e. Principal Secretary, Department of Education, Primary and Adult Education, Government of Bihar, Patna should be a reasoned and speaking order. It is further made clear that in case legal heirs of the petitioner are found entitled to the benefit of first and second ACP and MACP, the benefit shall be paid to the legal heirs of the petitioner within a further period of three months from the date of passing of the final order.



7. With the aforesaid observation and direction, the present writ application stands disposed of. All pending I.As, if any will be deemed to have been disposed of.

(Alok Kumar Sinha, J)

Prakash Narayan

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