

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2639 of 2019

=====

Bal Bihari Das Sri Harinarayan Das resident of village-Jahlipatti, Ward no.10,
Devipur, P.S- Devipur, District- Supoul

... .. Petitioner/s

Versus

1. The State Of Bihar through the Inspector General, Registration Department,
Bihar, Patna
2. The District Magistrate ,Supoul Bihar
3. The district Sub Registrar, Supoul Bihar
4. The Accountant General, Bihar Patna Bihar

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Amit Kumar Anand, Adv.
For the State	:	Mr. Rajan Prakash, Adv
For the AG, Bihar	:	Mrs. Asmita Bharh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 17-03-2025

Heard Mr. Amit Kumar Anand, learned Advocate for
the petitioner and Mr. Rajan Prakash, learned Advocate for the
State as also the learned Advocate for the Accountant General,
Bihar.

2. The grievance of the petitioner is confined to the
inaction of the respondents in not extending the benefit of due
Selection Grade as well as ACP/MACP, despite the petitioner
having been found eligible.

3. Learned Advocate for the petitioner referring to the
averments made in the writ petition has contended that the
petitioner was duly appointed as an Extra Clerk in the office of
the District Sub Registrar, Saharsa way back on 22.07.1969.
Subsequent thereto, the petitioner was absorbed and appointed
on the post of Temporary Clerk in the office of the District Sub



Registrar, Saharsa on 21.01.1981. The petitioner also passed Hindi Noting and Drafting Examination and to the said effect necessary entry has already been made in the service book. It is the contention of the petitioner that notwithstanding the passing of the required examination he has not been allowed the Selection Grade Scale w.e.f. 01.01.1996; although the petitioner represented before all the authorities concerned. The petitioner had also completed almost 30 years of service by 31.01.2008.

4. Counter affidavit has been filed on behalf of the respondents with categorical averments that the petitioner was appointed as an Extra Clerk and as such the decision taken by letter No. 5206 dated 24.05.1980 is not applicable in the case of the petitioner; moreover, the claim of the petitioner is denied in terms of Rule 157(3)(J) of the Bihar Board's Miscellaneous Rules as well as the relevant letters issued by the Department time to time. It is further contended that apart from the fact that the petitioner superannuated way back in the year 2008, the present writ petition came to be filed in the year 2019, after a delay of almost 11 years.

5. At this juncture, learned Advocate for the petitioner submitted that since the petitioner has been continuously representing before the respondent authorities, it was incumbent



upon them to consider the claim of the petitioner. Reliance has also been placed on a judgment rendered by a Full Bench of this Court in the case of *Kamlanand Thakur vs. The State of Bihar & Ors.* since reported in *2024(4) BLJ 806*, to support the contention that passing of the Accounts Examination is not *sine qua non* for the purpose of extending the benefit of ACP.

6. Having heard the learned Advocates for the respective parties, this Court finds substance in the contention of the learned Advocate for the petitioner. Accordingly, the present writ petition stands disposed of with a direction to the District Sub Registrar, Supaul to consider the claim of the petitioner afresh in the light of the Full Bench decision of this Court in the case of *Kamlanand Thakur* (supra) and pass a reasoned and speaking order, preferably within a period of 12 weeks from today.

7. Suffice it to observe that in case the claim of the petitioner finds favour, necessary monetary benefit shall be accorded to him within the stipulated period.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	20 .03.2025
Transmission Date	

