

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2458 of 2022

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Rudra Narayan Singh, Son of Late Abinashi Prasad Singh, resident of Village-Ekdanga, P.S.-Belchi, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Art, Culture and Youth Department, New Secretariat, Vikash Bhawan, Baily Road, Patna.
2. The Director, Directorate of Students and Youth Welfare, Art, Culture and Youth Department, New Secretariat, Vikash Bhawan, Baily Road, Patna.
3. Deputy Director, Directorate of Physical Education, Bhagalpur Division, Bhagalpur.
4. District Sports Officer, Directorate of Students Youth Welfare, Art Culture and Youth Department, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kishore Kumar Thakur, Advocate Mr. Braj Kishore Singh, Advocate
For the Respondent/s	:	Mr. Raghwanand, GA-11 Mr. Pratik Kumar, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-02-2025 Heard Mr. Kishore Kumar Thakur, learned Advocate

for the petitioner and Mr. Pratik Kumar, learned Advocate for

the State.

2. The petitioner has preferred the writ petition for the
following reliefs:-

- i) For a direction to the respondents to grant 1st, 2nd and 3rd ACP/MACP to the petitioner from due dates, by counting his entire period of service rendered by him in the Directorate of adult and Non-Formal Education, in terms with the provision contained in rule 22 of the ACP/MACP rule 2010.*
- ii) For a further direction to the*



respondents to make payment of arrears of salary to the petitioner in the pay scale of Rs. 5000-8000 (grade pay 4200) on grant of 1st ACP to them with effect from 9.8.1999 and further make payment of arrears of salary to them by fixing their salary in the pay scale of Rs 9300-34800 (grade pay 4600) on grant of 2nd ACP to him with effect from 2007 i.e, the period, the petitioner completed 24 years of qualifying service, in terms with ACP Rules 2003.

iii) The petitioner further prays for a direction to the respondents to grant him the benefit of 3rd MACP in terms with MACP Rules 2010, on completion of his qualifying service of 30 years, counting his length of service from June 1983, i.e., the date of entry of petitioner in service, on being appointed as clerk-cum-Accounts keeper in the Directorate of Adult Education of the Education department, and thus, make payment of arrears of salary to him by making his pay-fixation in the grade pay of Rs. 4800, in the light of the principle laid down by the Division Bench of This Hon'ble Court in L.P.A. no 438 of 2017.

Thereby, the petitioners prays for a direction to the respondents to refix his pension and other pensionary benefits on the higher payscale, pursuant to the grant of such ACP/MACP to him from due dates.

3. Adverting to the facts stated in the writ petition, learned Advocate for the petitioner contended that the case of the petitioner is squarely covered to the decision of this Court passed in C.W.J.C. No. 1937 of 2019, which came to be



disposed off on 24.10.2024.

4. It is further contended that the issue posed before this Court has also come up for consideration in the case of Bipin Bihari Roy vs. The State of Bihar & Ors., in C.W.J.C. No. 11936 of 2011 which stood affirmed in L.P.A. No. 438 of 2017; reiterating the aforesaid decision this Court has also passed identical order in the aforementioned C.W.J.C. No. 1937 of 2019.

5. At this juncture, learned Advocate for the State submits at the Bar that whether the case of the petitioner stands on similar footing to that of Mahendra Jha or not is required to be considered by the competent authority.

6. Having considered the submissions advanced by the learned Advocate for the respective parties, the present writ petition stands disposed off in identical terms of C.W.J.C. No. 1937 of 2019 dated 24.10.2024, with a direction to the respondent nos. 2 and 3 to consider the case of the petitioner in the light of the aforementioned order, as also in the light of the Bihar State Litigation Policy, 2011, which mandates that all similarly situated employees should be given the benefit of covered matters; and if the claim of the petitioner finds identical to Mahendra Jha and the petitioners of aforementioned case, identical relief must be accorded to the petitioner.



7. The entire exercise must be completed within a period of twelve weeks’ from the date of receipt/production of a copy of this order.

8. The writ petition stands disposed off with the aforesaid direction.

(Harish Kumar, J)

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