

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15906 of 2016

Md. Ashraf Ali son of late Ainul Haque resident of village - Lodipur, P.S.
Khushrupur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Water Resources Department, Bihar, Patna.
2. The Chief Engineer, Water Resources Department Darbhanga, District - Darbhanga.
3. The Executive Engineer, West Koshi Canal Division, Benipatti, District - Madhubani.
4. The Sub-Divisional Officer, West Koshi Canal Division, Sub-Division No.4, Benipatti, District - Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Brij Nandad Prasad, Advocate Mr. Janki Nandan Prasad, Advocate Mr. Syed Qaisar Hasan, Advocate Mr. Arshad Alam, Advocate Mr. Hasnain Haider, Advocate
For the Respondent/s	:	Mr. Anjani Kumar, AAG-4

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

5 17-12-2025 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for quashing the order dated 21.2.2015 passed by the Chief Engineer (respondent no.2) whereby the claim of the petitioner for grant of first time bound promotion and ACP has been rejected on the ground of the petitioner not having passed the departmental accounts examination.

3. Learned counsel for the respondents submits in reference to the counter affidavit filed on behalf of respondent



nos.1 to 4 that in light of the Full Bench decision in the case of **Kamlanand Thakur vs. The State of Bihar & Others; 2025(2) PLJR 623**, the grant of benefit of ACP along with all consequential monetary benefits payable to the petitioner is under process and the same will be granted after completion of the required formalities.

4. The relevant paragraph nos.7 to 10 of the counter affidavit sworn by the Executive Engineer (respondent no.3) and filed on behalf of respondent nos.1 to 4 is quoted herein below for ready reference:

“7. That during the pendency of the present writ application some development had been taken place. The department of deponent is obliged to bring on record the development which has been taken place during the pendency of the present Writ Application.

8. That during the pendency of the present Writ Application in the case of Kamlanand Thakur Vs the State of Bihar & other (C.W.J.C. No. 18727/2017) the full bench of this Hon'ble Court settled the law that passing the departmental accounts examination is not essential to get the benefits of ACP.

9. That in the light of decision of the full bench of this Hon'ble Court passed in Kamlanand Thakur vs. the State of Bihar, vide Letter No. 4862 dated 29.04.2025 the Finance Department Government of Bihar Patna communicated all the department of Government of Bihar that passing of Departmental Accounts Examination is not essential for grant of benefits ACP to the concerned employee. The Finance department, Government of Bihar, Patna also observed



that the benefits of ACP can be granted to the Bihar Government employee without even passing of the departmental- accounts examination which was earlier essential Under the provision of Rule 157 (3) (J) of the Bihar Board Miscellaneous Rules.

10. That it is humbly submitted that the grant of benefits of ACP along with all consequential monetary benefit to the Petitioner is under process and the same will be granted to the Petitioner after completion of required formalities.”

5. In view of the categorical stand of the respondents in the counter affidavit, relevant part of which is reproduced herein above, the writ application is disposed of with a direction to the Executive Engineer (respondent no.3) to pay to the petitioner all consequential monetary benefits of the ACP to which the petitioner is entitled within a period of three months from the date of receipt/production of a copy of this order.

6. In case the amount is not paid within the aforesaid period, the petitioner shall be entitled for a cost of Rs.25,000/ which shall be recovered by the respondents authorities from the erring official.

7. The writ application stands allowed with the above observations and directions.

(Partha Sarthy, J)

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