

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4058 of 2025

=====

Choudhary Ram Naresh Ray, S/o-Choudhary Bindeshwari Ray, R/o-
Laxmipur Tola, P.S.- Batho, P.S.-Batho, District- Darbhanga, Bihar-847233.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary
2. The Secretary Cum Commissioner, State Taxes Department, Government of Bihar, Patna.
3. The Joint Secretary, State Taxes Department, Government of Bihar, Patna.
4. The Accountant General A and E, Bihar, Birchand Patel Path, Patna-1.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Ms. Y. Madhavi, Advocate
For the Resp-State : Mr. Hari Mohan Mishra, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-03-2025 Heard Ms. Y. Madhavi, learned counsel for the

petitioner and Mr. Hari Mohan Mishra, learned counsel for the

State.

2. The petitioner is aggrieved with the inaction of the
respondents in not extending the benefit of 3rd MACP w.e.f.
18.05.2022 even after completion of 30 years of qualifying
service, as required for the same.

3. Referring to the averments made in the writ petition
as also placing reliance upon a decision of the Full Bench of this
Court in the case of **Kamlanand Thakur v. The State of Bihar**



and Others [C.W.J.C. No.18727 of 2017 and other analogous cases], it is contended that in any view of the matter, the petitioner should be allowed the benefit of 3rd MACP, however, he has been erroneously deprived from the same, compelling him to file a representation. The copy of which is marked as Annexure-P/5 to the writ petition. Notwithstanding, the representation preferred before the Commissioner-cum-Secretary, State Taxes, Commercial Taxes Department, Bihar, Patna and the same is pending since 24.01.2025; nothing has been done, hence, the petitioner invoked the prerogative writ jurisdiction of this Court.

4. Learned counsel for the State, referring to Annexure-P/5 has submitted that since the representation of the petitioner is pending before the concerned respondent authority, who is competent over the matter, it would be appropriate to dispose off the writ petition.

5. Having heard the learned counsel for the respective parties and taking note of the nature of the grievance, the writ petition stands disposed off with a direction to the respondent no.2 to consider the representation of the petitioner in the light of the decision passed in **Kamlanand Thakur** (supra), preferably within a period of eight weeks' from the date of



receipt/production of a copy of this order.

6. Needless to observe, if the claim of the petitioner finds favour, necessary consequential benefits must be accorded to him, within the period stipulated.

(Harish Kumar, J)

rohit/-

U			
---	--	--	--

