

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4279 of 2025

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Binita Shukla W/o -Late Madan Mohan Shukla, Resident of ward No. 12,
Village-Vishunpur Titidha, P.O.-Hajipur, P.S.-Hajipur, District-Vaishali,
Bihar-844101

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Finance Department, Government of Bihar, Patna
3. The Secretary (Expenditure) Finance Department Government of Bihar, Patna.
4. The Additional Chief Secretary Rural works Department, Government of Bihar, Patna.
5. The Engineer in Chief, Rural works Department, Government of Bihar, Patna.
6. The Chief Engineer, Rural works Department, Government of Bihar, Patna.
7. The Executive Engineer, Rural works Department, Mahua Division District-Vaishali, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Adv. Mr. Ajay Kumar, Adv. Mr. Shaktinath Das, Adv.
For the Respondent/s	:	Mr. Ajit Kumar, GA-9

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-03-2025 Heard the parties.

2. The petitioner is aggrieved with the order dated 23.01.2025, as contained in Memo No. 842 (Annexure-P/14) issued under the signature of the Additional Chief Secretary-cum-Principal Secretary, Rural Works Department, Government of Bihar, Patna whereby the claim of 1st, 2nd ACP and 3rd MACP of the husband of the petitioner came to be rejected.

3. Mr. Ashok Kumar, learned Advocate for the



petitioner assailing the impugned order has contended that the order impugned is in the teeth of the decision rendered by the Apex Court in SLP (C) No. 8219-8226 of 2019, apart from the issue having already been crystallized by the Government of Bihar in the Department of Finance under Memo No. 2178 dated 27.02.2025. Referring to the judgment rendered by the Apex Court and the decision taken by the Finance Department, aforementioned, it is thus contended that in any view of the matter, the petitioner's husband had already completed 24 years of service before coming to force of MACP Rule, 2010, hence, he was entitled for the reliefs, claimed for, in the writ petition. Taking this Court through the impugned order, learned Advocate for the petitioner further contended that the reason for rejecting the claim of the petitioner is also not sustainable, inasmuch as, it is stated that only because of the fact that the petitioner was not a party to the writ petition, no benefit should be accorded to him/her.

4. Mr. Ajit Kumar, learned GA-9 though primarily refuted the contention of the petitioner, however, he fairly acceded the positions settled by the Apex Court in SLP (C) No. 8219-8226 of 2019 and further the notification issued by the Finance Department crystallizing the position.



5. In view of the submissions advanced and the materials available on record, this Court finds that the impugned order is not sustainable and, as such, fit to be set-aside. The matter is relegated to the respondent no. 4 to consider the claim of the petitioner afresh, in the light of the decision rendered by the Supreme Court as also in view of the notification no. 2178 dated 27.02.2025 and pass appropriate reasoned and speaking order, keeping in mind the State Litigation Policy, preferably within a period of eight weeks, from the date of receipt/production of a copy of this order.

6. The writ petition stands disposed off.

(Harish Kumar, J)

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