

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17053 of 2010

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Jyotindra Narain Kanth, S/O Late Laxmi Narain Kanth, R/O Vill.- Pirnagar,
P.S.- Kisunganj, Distt.- Madhepura

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The District Registrar, Madhepura
3. The Sub-Registrar, Madhepura

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	AC to AAG-4
Amicus Curiae	:	Ms. Rushali, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-01-2025 None appears on behalf of the petitioner, however,

learned AC to AAG-4 is present.

2. In light of the fact that the present matter has been pending before the Court since 2010, this Court is of the view that keeping pending this case any further shall cause great injustice to the petitioner. Therefore, this Court appoints Ms. Rushali, (BR/2852/23 AUIN-103838) learned Advocate, who is present in the Court, as *Amicus Curiae* to assist the Court in the matter.

3. On the request of this Court, learned Amicus Curiae submits that the petitioner has filed the present writ petition seeking the benefit of the A.C.P. scheme, as the petitioner has not been granted any promotion despite an unblemished service



career of over 20 years.

4. Learned A.C. to AAG-4, appearing on behalf of the State, raised a preliminary objection, submitting that it is clear from the facts of the case that the petitioner retired on 31.07.1997 and has sought the benefit of the A.C.P. after his retirement. Learned counsel further submits that, according to the pleadings, the petitioner is not entitled to the said A.C.P.

5. Ms. Rushali, learned *Amicus Curiae*, in response thereof, submits that the representation filed by the petitioner before the Inspector General of Registration of Bihar, Patna (Annexure-5 to the writ petition) is pending since long.

6. Learned AC to AAG-4 further submits that the petitioner should have filed his representation before the District Magistrate, Madhepura, instead of filing it before the Inspector General of Registration, Bihar, Patna.

7. In the background that the representation filed by the petitioner is still pending since long, it is directed to the petitioner to file a fresh representation explaining the entire situation before the District Magistrate, Madhepura within six weeks from today along with a copy of this order. Upon filing of such representation, the District Magistrate, Madhepura, is directed to pass a reasoned and speaking order with regard to



the case of the petitioner within 90 days from the date of receipt of the representation.

8. It is made clear that none of the parties present in the proceedings are in a position to confirm whether the petitioner is still alive. In light of this uncertainty, this Court directs, if the petitioner is deceased, then the heirs and legal representatives of the petitioner will have the right to file a fresh representation in line with the direction aforementioned.

9. Learned *Amicus Curiae* shall be entitled to remuneration as per Notification dated 16.05.2017 published in Bihar Gazette on 18.05.2017 to be paid by the Patna High Court Legal Services Committee.

10. With this direction and observation, the present Writ Petition stands disposed off.

(Dr. Anshuman, J)

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