

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10300 of 2019

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Raj Kumar Mandilwar Son of Late Gauri Shankar Prasad Resident of
Bhawani Niwas, Chitragupt Nagar, Pokharia, Ward No. 37, Begusarai,
District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Engineer in Chief Road Construction Department, Government of Bihar, Patna.
3. The Chief Engineer North Wing, Road Construction Department, Darbhanga.
4. Superintending Engineer Road Construction Department, Road Circle, Saharsa.
5. Executive Engineer Road Construction Department, Road Division, Supaul, District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suman Kumar Mishra, Adv. Mr. S N Sharma, Adv.
For the Respondent/s	:	Mr. Tripurari Nath Ambastha, AC to SC-26

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 02-07-2025 Heard the parties.

2. The petitioner has invoked the prerogative writ jurisdiction of this Court seeking a direction upon the respondent to grant 3rd ACP/MACP to the petitioner, in view of Letter No. 15338 dated 29.10.2012, issued by the Finance Department, Government of Bihar, Patna as the petitioner has completed more than 30 years of service from the date of initial appointment.

3. Narrating the short facts, learned Advocate for the



petitioner contended that initially the petitioner had joined his service on 31.01.1980 as Treasurer Guard. Subsequent thereto, on being found eligible, the petitioner was promoted to the post of Junior Accounts Clerk with effect from 05.12.1995. The petitioner further passed hindi noting and drafting examination held on 07.07.1996 and has also passed the departmental accounts examination, 2006 held in 2007. Taking note of the aforesaid facts, the respondent authorities extended the benefit of 2nd ACP with effect from 12.10.2007, the date on which he passed the accounts examination. The petitioner has also deprived from the benefit of 3rd MACP, despite completion of 30 years of service, hence the present writ petition.

4. It is the specific contention of the petitioner that the issue regarding extending the benefit of ACP is crystallized by the Full Bench of this Court in the case of ***Kamlanand Thakur Vs. The State of Bihar & Ors., 2025 (2) PLJR 623*** wherein it is held that passing of accounts examination is not *sine qua non*; and the financial progression under the ACP scheme is only *in situ* promotion and nothing more. Hence in the aforesaid premise, extending the benefit of ACP with effect from 12.10.2007 is wholly unjustified and in fact the petitioner ought to be given the benefit of second ACP with effect from



31.01.2004, the date when he became eligible.

5. Though a counter affidavit has been filed on behalf of the respondent nos. 4 and 5. However, the same is of much before the decision rendered by the Full Bench of this Court on 28.06.2024.

6. Considering the limited grievance of the petitioner and taking note of the Full Bench decision of this Court, as noted hereinabove, in order to resolve the dispute, this Court deems it fit and proper to direct the respondent no. 4 to consider the case of the petitioner for grant of shifting of date of ACP as also the 3rd MACP, in the light of the Full Bench decision, preferably within a period of twelve weeks, from the date of receipt/production of a copy of this order.

7. The writ petition stands disposed off.

(Harish Kumar, J)

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