

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8520 of 2024

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Ashwini Kumar Son of Late Jagdish Prasad, Resident of Flat No. 301, Deolok
Apartment, New Patiputra Colony, P.S - Pataliputra, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through The Secretary cum Excise Commissioner, Prohibition Excise and Registration Department (Excise), Government of Bihar, Patna.
2. The Secretary cum Excise Commissioner, Prohibition Excise and Registration Department (Excise), Government of Bihar, Patna.
3. The Chairman cum Member, Board of Revenue cum Departmental Screening Committee, Government of Bihar, Patna.
4. The Additional Chief Secretary cum Appellate Authority, Departmental Grievance Redressal Officer, Department of Prohibition Excise and Registration, Government of Bihar, Patna.
5. The Deputy Secretary cum Departmental Grievance Redressal Officer, Department of Prohibition Excise and Registration, Government of Bihar, Patna.
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Adv
For the Respondent/s : Mr. Standing Counsel 13

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 07-05-2025 Heard learned counsel for the petitioner as well as
counsel for the respondents.

2. This petition has been preferred by the petitioner challenging the part of the order dated 20.07.2022 i.e. (Annexur-P/20) passed by screening committee whereby and whereunder the claim of the petitioner for grant of 2nd and 3rd M.A.C.P. has been rejected on the ground that there are two departmental inquiries pending against him.



3. Referring to the judgment passed by the Co-ordinate Bench of this Court dated 08.01.2024 in C.W.J.C. No. 11522/2023, it is submitted by the counsel that taking note of the observation made in the judgment passed by the Co-ordinate Bench of this Court in case of Ranjan Kumar Chauhan Vs. State of Bihar 2008(4) P.L.J.R. 244, dated 18.06.2018, passed in C.W.J.C. No. 14609 of 2010 (Bijay Kumar Sinha Vs. The State of Bihar and Ors.) and dated 02.09.2021 passed in C.W.J.C. No. 2866 of 2020 (Vijay Kumar Jha Vs. The State of Bihar & Ors.), it is well settled that merely pendency of the departmental or criminal proceeding would not be an impediment for grant of the benefit of ACP/MACP scheme, therefore, it is prayed by the counsel that this petition may be disposed of, directing the respondents to be consider the claim of the petitioner taking into consideration the judgment as referred in hereinabove, and passed a reasoned order within a specific period fixed by this Court.

4. The above prayer made by the counsel did not oppose by the counsel for the respondents.

5. Considering the above submissions put forth by both the counsels, the petition is disposed of. The impugned order dated 20.07.2022 and 04.01.2023 which relate to



petitioner is concerned is hereby quashed and set aside. The respondents are directed to reconsider and decide the claim of the petitioner afresh and pass a reasoned order in the light of observation made by this Court as referred in hereinabove and pass the order as early as possible probably within sixty days from the receipt of a copy of this order.

(Arvind Singh Chandel , J)

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