

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9893 of 2025

Ashok Kumar Rajak S/o Late Sona Lal Rajak, Resident of Mohalla- Diwan Mohalla, Dulli Ghat, P.O.- Patnacity, P.S- Khajekalan, District- Patna, Retired Clerk, Office of the District Programme Officer (Establishment), Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Additional Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director Secondary Education, Department of Education, Government of Bihar, Patna.
4. The Director, Primary Education Department of Education, Government of Bihar, Patna.
5. The Divisional Commissioner, Darbhanga Division, Darbhanga.
6. The Regional Deputy Director Darbhanga Division, Darbhanga.
7. The District Magistrate, Madhubani.
8. The District Magistrate, Samastipur.
9. The District Education Officer, Madhubani.
10. The District Education Officer, Samastipur.
11. The District Programme Officer (Establishment), Madhubani.
12. The District Programme Officer (Establishment), Samastipur.
13. The District Programme Officer (I.C.D.S), Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.
For the Respondent/s : Mr. Rajesh Kumar, AC to GP-3

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-06-2025 Heard the parties.

2. The petitioner is aggrieved with the inaction of the respondent in not extending the benefit of ACP/MACP, despite having him all the eligibility to get the same.

3. The petitioner superannuated from the post of Clerk



in the office of the District Programme Officer (Establishment), Samastipur on 31.12.2017. It is the case of the petitioner that initially he was appointed as Clerk-cum-Accountant on 08.08.1983 under the Adult Education Programme, Government of Bihar. On account of closure of the Adult Education Programme in the year 2001, the service of the petitioner along with other stood retrenched. However, on account of intervention of this Court in various matters, finally the services of the petitioner and others were reinstated. Subsequently, notification also came to be issued under Letter No. 1129 dated 04.07.2006, as also Memo No. 870 dated 17.10.2006, and the petitioner has been extended the benefit of continuance of his service since 1983.

4. Referring to the aforesaid facts, Mr. Arun Kumar, learned Advocate for the petitioner contended that the petitioner has worked for more than 34 years; nonetheless, he has been deprived the benefit of ACP(s). Aggrieved with the action of the respondent, the petitioner had earlier come before this Court in CWJC No. 15977 of 2021, which came to be dismissed vide order dated 24.01.2024; however, a liberty was accorded to the petitioner to approach before the respondent authorities. Pursuant thereto, the petitioner approached before the



respondent authorities, but his claim could not be considered. Thereupon, he sought an information under the Right to Information Act, 2005 wherein, it has been informed that since the petitioner has not passed the departmental/accounts examination, as such, he is not entitled to get the benefit of ACP/MACP.

5. The very thrust of the submission of the learned Advocate for the petitioner is that the issue with regard to the passing of the departmental examination for the purpose of extending the benefit of ACP/MACP was under consideration before the Full Bench of this Court in case of ***Kamlanand Thakur Vs. The State of Bihar & Ors., (2025) 2 PLJR 623***, wherein the Court in no uncertain term held passing of departmental examination is not sine qua non for extending the benefit of ACP/MACP. Referring to the aforementioned decision, learned Advocate for the petitioner would thus contended that the claim of the petitioner has not been considered in the right perspective, in the light of the decision rendered by the Full Bench of this Court.

6. Learned Advocate for the State fairly submitted that the matter is required fresh consideration, in the light of the Full Bench decision, as noted hereinabove.



7. Considering the submissions set forth by the learned Advocate for the respective parties, this Court finds substance in the writ petition. Accordingly, the present writ petition stands disposed off with a direction to the respondent no. 6, to consider the claim of the petitioner afresh for grant of benefit of ACP/MACP, preferably within a period of twelve weeks, from the date of receipt/production of a copy of this order, in the light of the materials available on record qua the decision rendered by the Full Bench of this Court in the case of *Kamlanand Thakur* (supra).

8. Suffice it to observe that in case the claim of the petitioner finds favour, necessary consequential order shall be passed within the period stipulated.

(Harish Kumar, J)

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