

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10207 of 2025

Pranwesh Singh Son of Late Bipin Bihari Singh, Resident of Mohala- Krishna Toli, Road No. 03, Brahmpura, P.S.- Brahmpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The Additional Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. The Joint Secretary, Public Health Engineering Department, Government of Bihar, Patna.
4. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Government of Bihar, Patna.
5. The Joint Secretary (Management Cell), Public Health Engineering Department, Government of Bihar, Patna.
6. The Officer on Special Duty, Public Health Engineering Department, Government of Bihar, Patna.
7. The Secretary, Bihar Public Service Commission, Bailey Road, Patna.
8. The Accountant General (A and E), Bihar, Patna.
9. Sri Prasun Kumar, Category Seniority serial no. 79 in the seniority list, Son of not known, the Superintending Engineer, P.H.E.D., through the Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Government of Bihar, Patna.
10. Sri Manoj Manohar, Son of not known, Category Seniority serial no. 86 in the seniority list, the Superintending Engineer, P.H.E.D., through the Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Government of Bihar, Patna.
11. Sri Santosh Kumar, Son of not known, Category Seniority serial no. 87 in the seniority list, the Superintending Engineer, P.H.E.D., through the Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Indu Bhushan
For the Respondent/s	:	Mr. Bindhyachal Rai (A.G.)
For the BPSC	:	Mr. Sanjay Pandey
		Mr. Nishant Kumar Jha
For the State	:	Mr. Raghwanand, GA-II
		Mr. Pratik Kumar, AC to GA-II

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER



2 03-07-2025 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the BPSC.

2. The present writ petition has been filed for issuance of an appropriate writ in the nature of Mandamus commanding the responsible respondents for a direction to pay the benefit of A.C.P./M.A.C.P. and promotion to the post of Superintending Engineer in the Department of Public Health Engineering, Bihar, Patna considering the representation dated 02.02.2024, 06.03.2024, 26.07.2024, 14.09.2024, 02.02.2025 & 23.03.2025 because the petitioner joined his service on 14.06.1997 on the post of Assistant Engineer and later on her was given promotion to the post of Executive Engineer on 05.07.2021 and the petitioner superannuated on 31.01.2025, but the petitioner has not given benefit of A.C.P/M.A.C.P. as yet even after retirement, whereas, after completion of 12 years from the date of initial appointment, the petitioner was entitled to get the benefit of first ACP on 21.05.2009 and second M.A.C.P. on 21.05.2017, and the Executive Engineers those were equivalent to the petitioner and juniors to the petitioner like Sri Prasun Kumar, whose category seniority serial no. is 79 in seniority list, Sri Manoj Manohar whose category seniority serial no. is 86 in seniority list and Sri Santosh Kumar, whose category seniority serial no.



is 87 in seniority list have been given benefit of ACP/MACP and promotion to the post of Superintending Engineer, whereas, the category seniority serial number of the petitioner is 78 in the seniority list, but the petitioner has been left to suffer in arbitrary manner and neither the benefit of ACP/MACP and promotion to the post of Superintending Engineer has been given to the petitioner like others respondent nos. 09 to 11.

3. Learned counsel for the petitioner submits that the present writ petition has been filed for issuance of writ in the nature of mandamus, directing the respondent to pay the benefit of ACP/MACP and promotion to the post of Superintending Engineer in the department of Public Health Engineering, Bihar, Patna considering his representation dated 02.02.2024, 06.03.2024, 26.07.2024, 14.09.2024, 02.02.2025 and 23.03.2025.

4. Counsel for the State raised preliminary objection and submits that for the grant of A.C.P/M.A.C.P. to a Government employee, the state has already framed a rule namely, Bihar Government Servant Grievances Redressal Rule, 2019 under which the petitioner has to file a complaint before the Competent Authority who shall consider every aspect of the matter as demanded by the petitioner in the writ petition i.e.,



promotion , ACP/MACP related issue as mentioned in Rule 2(c) (4) of the said Rule, 2019.

5. It transpires to this court from the pleadings that the petitioner has not tried to file any application under the Bihar Government Servant Grievances Redressal Rule, 2019 before the concerned respondent authorities.

6. As such, it is hereby directed to the petitioner to file complain before the concerned authority under Rule 2019 namely, Bihar Government Servant Grievances Redressal Rule, 2019 within 30 days from today and the concerned authority under the said rule shall pass order completely in accordance with the time frame specified in the said Rule, 2019.

7. Accordingly, with the aforesaid direction, the present writ petition stands disposed off.

(Dr. Anshuman, J)

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