

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11497 of 2025

1. Ratanjay Kumar Singh son of Jyotish Prasad Singh, Resident of village Madrauni, P.S. Rangara Chauk, District- Bhagalpur.
2. Rajendra Singh, son of Late Bhopal Singh, Resident of village- Kahkhot, P.S. Berinag, District-Pitiragarh (U.K.).
3. Ram Chhetri, son of Dhan Bahadur Chhetri, Resident of Carrset Colony, P.S. Bama Mines Tatanagar, District- East Singhbhum (Jharkhand).
4. Raj Bahadur Chhetry, son of Lok Bahadur Chhetry, Resident of J.A.P-1, Doranda, P.S.- Doranda, District- Ranchi (Jharkhand).
5. Dharmendra Thapa, son of Durga Prasad Thapa, Resident of Nawada, P.S.- Dehradun, District- Dehradun (U.K.).
6. Ram Krishna Kunwar, son of V. Kunwar, Resident of J.A.P-1, Doranda, P.S. Doranda, District- Ranchi (Jharkhand).
7. Sonam Chhetry, son of Late Tek Bahadur Chhetry, Resident of Basla, P.S. Patratu, District- Hazaribagh (Jharkhand).
8. Birbal Bahadur Gurung, son of Late Itay Bahadur Gurung, Resident of Namjum Road, Bara Ghaghra, P.S.-Doranda, District- Ranchi (Jharkhand).
9. Praveen Kumar Giri, son of Hom Prasad Giri, Resident of Ramgarh College, P.S.- Ramgarh Cantt, District-Ramgarh (Jharkhand).
10. Saroj Kumar Chhetry, son of Late Ashok Chhetry, Resident of 23/37A Near Indra Gupta Clinic, Dibadih, P.S.-Doranda, District- Ranchi (Jharkhand).
11. Deepak Kumar Gurung, son of Ram Bahadur Gurung, Resident of Jap-1 Purana Line, P.S.- Doranda, District- Ranchi (Jharkhand).
12. Kuber Kumar Mishra, son of Late Braj Nath Mishra, Resident of Ram Nagar Bazar, P.S.- Kumarkhand, District- Madhepura.
13. Parmendra Singh Thapa, son of Late Kalam Singh Thapa, Resident of Prempur Mafi, P.S.- Caricant, District- Dehradun (U.K.).
14. Gopal Singh, son of Ram Bahadur Singh, Resident of Harpur Midhi New Basti, P.S.- Kotwali, District- Ballia (U.P.).
15. Kishore Sherpa, son of Late D. Sherpa, Resident of Birsanagar, P.S.- Tatanagar, District- Purbi Singhbhum (Jharkhand).
16. Suraj Rai, son of G.B. Rai, Resident of J.A.P.-1, Doranda, P.S.- Doranda. District- Ranchi (Jharkhand).
17. Nikhlesh Rana, son of Rakesh Rana, Resident of J.A.P.-1, camp, P.S.- Doranda, District- Ranchi (Jharkhand).
18. Dinesh Moktan, son of Budhiman Moktan, Resident of Upper Delap Reshi Road, P.S.- Pedong, District- Kalimpong, (W.B).
19. Indeeep Kumar Gurung, son of Bhim Bahadur, Gurung, Resident of J.A.P.-1, P.S.-Doranda, District-Ranchi (Jharkhand).
20. Ravi Bahadur Thapa, son of Late Dal Bahadur Thapa, Resident of Aaraji Sarkar Bairhwa, P.S.-Nautanwa, District- Maharajganj (U.P.).
21. Dick Bahadur Biswa, son of Jasram Biswa, Resident of Nim Khasmahal, P.S.- Fagu, District- Darjeeling (W.B.).



22. Ranjan Thapa, son of Late Dal Bahadur Thapa, Resident of Resident of J.A.P.-1, camp, P.S.-Doranda, District- Ranchi (Jharkhand).
23. Rajen Tamang, son of Man Bahadur Tamang, Resident of Upper Fagu Munsu Gaon, P.S.- Gorubathan, District- Kalimpong (W.B).
24. Raja Thapa, son of K.S. Thapa, Resident of Resident of J.A.P.-1, P.S.- Doranda, District- Ranchi (Jharkhand).
25. Raj Kumar Bhujel, son of Late Kancha Bhujel, Resident of Amrit Gram Golai Gaon, P.S.- Sadar, District-Darjeeling (W.B.).
26. Ravi Gurung, son of Rajindra Singh Gurung, Resident of Resident of J.A.P.-1, P.S.-Doranda, District-Ranchi (Jharkhand).
27. Min Bahadur Thapa, son of Pum Bahadur Thapa, Resident of Resident of J.A.P.-1, P.S.-Doranda, District-Ranchi (Jharkhand).
28. Khem Bahadur Sahi, son of S.B. Sahi, Resident of Resident of Gondawana Palace, P.S.-Doranda, District-Ranchi (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patel Bhawan, Bailey Road, Patna.
3. The Director General of Police, Bihar Special Arms Police (BSAP), Patel Bhawan, Bailey Road, Patna.
4. The Inspector General of Police Bihar Special Arms Police, Patel Bhawan, Bailey Road, Patna.
5. The Deputy Inspector General of Police (Central Range) Bihar Special Arms Police, Patna Patel Bhawan, Bailey Road, Patna.
6. The Commandant, Bihar Special Arms Police-01, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Adv.
For the Respondent/s : Mr. Anuj Kumar, AC to SC-12

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 28-07-2025

Heard the parties.

2. The petitioners before this Court are working as Hawaldar/ASI in Bihar Special Arms Police – 01 (BSAP-01), which was earlier known as Bihar Military Police (BMP); they have preferred the present writ petition seeking a direction upon



the respondent authorities, as follows:-

“(A) To implement the Judgment/order dated 26.04.2024 passed in LPA No-458 of 2021 (arising out of CWJC No-1744 of 2020 Srikant Dubey and others Vs The State of Bihar and others) by the Division Bench of this Hon'ble Court and grant same relief with respect to the present petitioners also as all of them are similarly situated to the appellant/petitioners of LPA No-458/2021/CWJC No-1744 of 2020 and as such the respondents are duty bound to extend them also all consequential benefits i.e. refund of recovered amounts, if any and restore the pay-fixation in the light of the facts that the petitioners were/are entitled to 1 ACP in the scale of Rs.4000-6000/- which was already allowed to them by the respondents upon completion of 12 years of their respective services.

(B) To hold that the petitioners are covered by the judgment/order dated 26.04.2024 passed by the Division Bench of this Hon'ble Court in LPA No-458 of 2021 and therefore, as per Clause-4.C(1) of the Bihar Litigation Policy, 2011 issued under resolution dated 31.03.2011 by the State Govt. they are also entitled to be given the same and similar benefits as has been given to the appellants/petitioners of LPA No-458 of 2021 and many others as any discrimination with the petitioners would amount to violation/breach of the Bihar Litigation Policy, 2011 by the respondent authorities beside being violative of Article-14 and 16 of Constitution of India.”

3. Mr. Abhay Shankar Singh, learned Advocate for the petitioners submitted that the position is admitted that the issue involved in the writ petition came to be settled by the learned Division Bench of this Court in LPA No. 458 of 2021 (***Srikant***



Dubey @ Shri Kant Dubey & Ors. Vs. The State of Bihar &***Ors.***, which mandates as follows:-

“8. Reading of the aforementioned paragraph-661 read with the fact that the appellants were appointed in the year 1986-1993 with Matriculation qualification and they deemed to be Writer Constable in the light of the aforementioned provisions. Therefore, it is not appropriate for the official respondents to withdraw the 1" ACP granted in the year 2002-2003 in the light of later policy decision in the year 2004 insofar as seeking option to Writer Constable or Ordinary Constable. In other words as on 2002-2003, the appellants have fulfilled relevant criteria for the purpose of claiming ACP benefit and it was already granted. Therefore, irrespective of exercising option by the appellants either to Writer or Ordinary Constable and they may be retained in the Ordinary Constable in not exercising option with reference to the year 2004 that would not be hurdle insofar as extending 1" ACP benefit in the year 2002-2003. These material information have not been taken note of by the learned Single Judge while deciding the appellants writ petition.

*9. In the light of the decision of the Hon'ble Supreme Court in the case of **Amresh Kumar Singh & Ors. vs. The State of Bihar & Ors.**, reported in **2023(2) PLJR (SC) 423**, for claiming ACP benefit, employee need not fulfill the eligibility criteria for promotion to the next higher cadre. In other words, if an employee is stagnated in a particular cadre for 12 and 24 years. Therefore, the official respondents insisting that appellants have not passed certain prescribed examination for promotion would not be a hurdle. Further, we have noticed that from the year 1993 to 2003, the official respondents have not undertaken to conduct departmental examination so as to enable the appellants and similarly situated persons to participate in the process of departmental examination and get eligibility. Therefore, there is fault on the part of the official respondents in not conducting departmental examination timely. Acquisition of qualification like pass in departmental examination by the Appellants*



was beyond their control. This issue would not be hurdle for the purpose of extending 1" ACP to the appellants in the light of the cited decision.

10. In view of the above circumstances, the appellants have made out a case. Accordingly, the present L.P.A. stands allowed. The orders of the learned Single Judge dated 16.04.2021 passed in C.W.J.C. No.6910 of 2020 and analogous cases stands set aside and C.W.J.C. No.1744 of 2020 filed by the appellants are allowed.

11. The concerned respondents are hereby directed to refund the recovered amounts, if any, to the respective appellants within a period of three months from the date of receipt of copy of this order and so also restore the pay-fixation in the light of the fact that the appellants are entitled to 1" ACP in the year 2002-2003. Thereafter, proceed to re-fix their pay/pension and difference of amount shall be calculated and disbursed within a period of four months."

4. It has further been informed to this Court that despite the issue having been settled by this Court, the petitioners are being compelled to approach this Court to get an order from this Court and the respondent authorities are hell bent on to defy the mandate of the terms of Clause-4.C(1) of the Bihar Litigation Policy, 2011. Learned Advocate further referred the decision rendered by the Full Bench of this Court in the case of ***Amresh Kumar Singh Vs. The State of Bihar & Ors., (2018) 2 PLJR 929***. The relevant extract of the order is encapsulated hereunder for worth benefitting;

"The Bihar State Litigation Policy, 2011, as indicated hereinabove, mandates that all similarly situated employees should be granted the benefit of covered matters and if orders of the Court



have been implemented in case of certain litigants, it should be implemented in respect of all other identically situated persons. If the State Litigation Policy is to be implemented, we have no hesitation in holding that the present respondents should also be dealt with in identical fashion i.e. respondent Surendra Prasad Mahto @ Surendra Pd. Mahto in L.P.A. No. 1509 of 2009 and the appellant Amarish Kumar Singh in L.P.A. No. 1028 of 2007 in identical situation and once on 21.4.2011 a Division Bench of this Court in all other cases has granted benefit to the employees, there is no reason to go into the legal questions involved in the matter and answer them when we find that in the cases of twenty-eight employees the benefit has been granted to them by virtue of the orders passed by this Court.”

5. It is further contended that identical set of persons have also approached this Court in CWJC No. 4620 of 2025 and their cases have already been disposed off in terms with the aforenoted LPA No. 458 of 2021 and they have been extended the identical reliefs set forth in their writ petitions.

6. Learned Advocate for the State, at this juncture, fairly submitted that since the petitioners have already approached before the authorities concerned, their cases shall be considered in the light of the decisions rendered by the Division Bench of this Court and in case their claim are found to be identical, similar reliefs be accorded to them.

7. Considering the submissions set forth by the learned Advocate for the respective parties and taking note of



the settled position, as has been held in the case of *Srikant Dubey @ Shri Kant Dubey & Ors.* (supra), the present writ petition stands disposed off, directing the respondent no. 2 to consider the claim of the petitioners in terms with Clause 4.C(1) of the Bihar State Litigation Policy, 2011 and on being found favour, extend the benefit of admissible pay scale in the light of the decisions rendered by the learned Division Bench of this Court in LPA No. 458 of 2021 as well as CWJC No. 4620 of 2025, preferably within a period of eight weeks, from the date of receipt/production of a copy of this order, in accordance with law.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.07.2025
Transmission Date	NA

