

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17064 of 2021

1. Yogendra Jha son of Late Kaladhar Jha, resident of Village-Marukiya, P.S.-Khajauli, District-Madhubani.
2. Narmadeshwar Jha, son of Late Uday Chandra Jha, resident of Village-Arer, P.S.-Arer, District-Madhubani.
3. Ravindra Jha, son of Late Harish Chandra Jha, resident of Village-Beluja, P.S.-Bisfi Patauna, District-Madhubani.
4. Uday Chandra Jha, son of Ram Bahadur Jha, resident of Village-Prasad, P.S.-Madhepur, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Main Secretariat, Patna.
2. Principal Secretary, Department of Finance, Government of Bihar, Main Secretariat, Patna.
3. Principal Secretary, Social Welfare Department, Government of Bihar, Main Secretariat, Patna.
4. The Director, Directorate of Integrated Child Development Services (ICDS for short), Indra Bhawan, Ram Charitra Singh Path, Boring Canal Road, Patna.
5. District Magistrate, Madhubani.
6. District Programme Officer, Madhubani.
7. Child Development Project Officer, Babu barhi, Madhubani.
8. Child Development Project Officer, Khajauli, Madhubani.
9. Child Development Project Officer, Rahika, Madhubani.
10. Child Development Project Officer, Bathnaha, Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kishore Kumar Thakur, Adv.
For the Respondent/s : Mr. S.K. Mandal, SC-3

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 18-06-2025 Heard Mr. Kishore Kumar Thakur, learned Advocate

for the petitioners and Mr. S.K. Mandal, learned SC-3.

2. At the outset, learned Advocate for the petitioners



seek permission to make the District Magistrate, Sitamarhi as party respondent no. 11.

3. Permission is accorded.

4. Let the same be done in course of the day.

5. The petitioners have preferred the writ petition for the following reliefs:-

i) For a direction to the respondents to grant 1st, 2nd and 3rd ACP/MACP to the petitioners from due dates, by counting their entire period of regular service rendered by them in the Directorate of adult and Non-Formal Education in terms with provision contained in rule 22 of the ACP/MACP rule 2010.

ii) For a further direction to the respondents to make payment of arrears of salary to the petitioners in the pay scale of Rs. 5000-8000 (grade pay 4200) on grant of 1st ACP to them with effect from 9.8.1999 and further make payment of arrears of salary to them by fixing their salary in the pay scale of Rs 9300-34800 (grade pay 4600) on grant of 2nd ACP/MACP to them with effect from 2005 i.e, the period, the petitioners completed 20 years of qualifying service.

Thereby, the petitioners pray for a direction to the respondent to grant them the benefit of 3rd ACP in terns with MACP Rules 2010; on completion of 30 years of their qualifying



service, counting their length of service from January 1985, February 1985, April and December 1985, i.e., the respective dates of initial entry of petitioners in service, on being appointed as clerk-cum-typist in the Directorate of Adult and Non-Formal education, and thus, make payment of arrears of salary to them by making their pay-fixation in the grade of Rs. 4800, in the light of the principle laid down by the Division Bench of This Hon'ble Court in L.P.A. no 438 of 2017.

6. Adverting to the facts stated in the writ petition, learned Advocate for the petitioners contended that the case of the petitioners is squarely covered with the decision of this Court passed in C.W.J.C. No. 1937 of 2019, which came to be disposed off on 24.10.2024.

7. It is further contended that the issue posed before this Court has also come up for consideration in the case of Bipin Bihari Roy vs. The State of Bihar & Ors., in C.W.J.C. No. 11936 of 2011 which stood affirmed in L.P.A. No. 438 of 2017; reiterating the aforesaid decision this Court has also passed identical order in the aforementioned C.W.J.C. No. 1937 of 2019.

8. At this juncture, learned Advocate for the State submits at the Bar that whether the case of the petitioners stand on similar footing to that of Mahendra Jha or not is required to



be considered by the competent authority.

9. Having considered the submissions advanced by the learned Advocate for the respective parties, the present writ petition stands disposed off in identical terms of C.W.J.C. No. 1937 of 2019 dated 24.10.2024, with a direction to the respondent nos. 5 and 11 to consider the case of the petitioners in the light of the aforementioned order, as also in the light of the Bihar State Litigation Policy, 2011, which mandates that all similarly situated employees should be given the benefit of covered matters; and if the claim of the petitioners find identical to Mahendra Jha and the petitioners of aforementioned case, identical relief must be accorded to the petitioners.

10. The entire exercise must be completed within a period of twelve weeks' from the date of receipt/production of a copy of this order.

11. The writ petition stands disposed off with the aforesaid direction.

(Harish Kumar, J)

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