

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13688 of 2022

1. Akhilesh Prasad son of Late Rameshwar Prasad, resident of Bheriya, Arwal, P.O. Nehalpur, P.S. Paras Bigha, District- Jehanabad, BIHAR- 804429
2. Shreekant Prasad, son of Late Sudarshan Prasad, resident of Road No. 03, Lakhibag, Manpur, Near Sudha Talkies, P.S. Moffasil, District- Gaya, Bihar- 823003

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Secretary, Higher Education, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Government of Bihar, Patna.
4. The Vice- Chancellor, Magadh University, Bodh Gaya.
5. Magadh University through its Registrar, Bodh- Gaya, Gaya.
6. The Registrar, Magadh University, Bodh- Gaya, Gaya.
7. The Finance Officer, Magadh University, Bodh- Gaya, Gaya.
8. The Principal, Jagjivan College, Gaya, Bihar.
9. The Office of Accountant General, Patna through its Principal Accountant General (A and E) Bihar, Veerchand Patel Path, Patna- 800001.
10. The Principal Accountant General (A and E) Bihar, Veerchand Patel Path, Patna- 800001.

... .. Respondent/s

Appearance :

For the Petitioners	:	None
For the State	:	Mr. Amit Bhushan, AC to GP-17
For Magadh University	:	Mr. Om Prakash Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT
Date : 30-04-2025

None appears for the petitioners.



2. Heard learned State counsel as well as learned counsel for the University.

3. The petitioners, two in numbers, stated to have retired on 31.10.2014 and July, 2014 respectively (paragraph 31 of the writ petition) from the post of Demonstrator in the Magadh University, have filed this writ petition with the following two prayers:

(i) To issue a direction/directions, order/orders, writ/writs, preferably in the nature of mandamus commanding/directing the respondents authorities of the State Government and the Magadh University, Bodh-Gaya, Gaya to grant them the benefit of first and second Assured Carrier Progression (in short "A.C.P") and also the benefit of one Modified Assured Carrier Progression (in short "M.A.C.P") in as much they have successfully completed their service of twenty-four years and thirty years respectively;

(ii) To issue a further direction/directions, order/orders, writ/writs, particularly in the nature of mandamus commanding/directing the respondents authorities of the State Government and the Magadh University, Bodh-Gaya, Gaya that upon extension of benefits of A.C.P. & M.A.C.P, revise their pension by granting the benefit of seventh pay revision with effect from and consequent thereof fix their pension and also pay them their difference of arrears



of salary, earned leave, gratuity and other retiral dues with suitable interest.”

4. The State respondents / respondent Nos. 1 to 3 have filed a counter affidavit, wherein, in paragraph 22 it has been stated that as per ACP and MACP scheme the authority of the University is required to grant the same to the petitioners.

5. The respondent Nos. 4 to 7 / Magadh University have also filed a counter affidavit, wherein, in paragraph Nos. 7, 8, 9, 10 and 11 it has been stated as under :

“7. That it is humbly submitted that Principal Jagjivan College, Gaya forwarded a letter vide its number ACC/40/21 dated 11.06.2021 and sent a claim of Late Srikant Prasad Rs. 5,79,229/- and Sri Akhilesh Prasad Rs. 6.06.829/- of arrear difference in ACP/MACP the correction on the basis of PVC.

8. That it is humbly submitted that; the pay verification cell of Education Department Govt. of Bihar audited the bill of the petitioners namely Sri Akhilesh Prasad and Srikant Prasad and recommended Rs. 6.06.829/- & Rs. 5,79,229/- respectively and for the same Education Department wrote a letter to the University through vide letter no. 30 dated 23.02.2023 with regard to made the payment to the petitioner.

9. That it is humbly submitted that; in the light of abovesaid recommendation, the



Magadh University vide its letter No. Bud/212/23 dated 24/08/2023 issued Cheque No. 946636 dated 19.08.2023 amounting Rs.11,86,058/- to Branch Manager, SBI Bodhgaya and the same amount deposited in the account of J.J. College, Gaya (A/C NO. 1916400672).

10. That it is humbly submitted that; Magadh University vide its letter Budget/238/2023 dated 12.09.2023 transferred the amount of two petitioners totaling Rs. 11.86.058/- in General Account No. of J.J. college which a direction to make then payment.

11. That it is humbly submitted that; the Difference of 7th pay Pension/ Family pension arrear for the period of 01.04.2011 to 31.03.2019 to Sri Kant Prasad and Sri Akhilesh Prasad amounting Rs.3.86,752/- each was paid vide Magadh University letter No. Fin/Pen/1418/2023 dated 09.08.2023.”

6. On reading of the counter affidavit filed by the State as discussed hereinabove as well as counter affidavit filed by the University as extracted hereinabove, I find that the petitioners have been paid the ACP and MACP as well as the difference of 7th pay pension / family pension including the arrears as claimed.

7. In view of above, I find that the reliefs sought for by the petitioners have been granted by the respondent authorities.



8. Accordingly, the writ petition stands disposed of with
no consequential order.

(Nani Tagia, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02.05.2025
Transmission Date	N.A.

