

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12858 of 2025

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Rajesh Kumar Sinha S/o Late Krishna Murari Prasad, R/o Mohalla- Gyan Vibhakar Parmeshwar Lane Rani Ghat, P.S. Sultanganj, District- Patna, Bihar. (Retired Peon Primary Teacher Training College, Mahendru (Raniganj)), P.S. Sultanganj, Patna)

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Department of Education, Government of Bihar, P.S. Secretariate, District- Patna.
2. The Chief Secretary, Department of Education, Government of Bihar, P.S. Secretariate, District- Patna
3. The Director, State Council of Education and Training Mahendru, Patna, P.S. Sultanganj, District-Patna.
4. The Regional Deputy Director of Education, Patna Division, P.S. Sultanganj, District-Patna.
5. The Principal, Primary Teacher Training College, Mahendru (Raniganj), P.S. Sultanganj, District- Patna
6. The District Accounts Officer, Patna, P.S. Gandhi Maidan, District- Patna.
7. The Accountant-General, Bihar, Patna, P.S. Kotwali, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anand Raj, Advocate
For the State	:	Mr. Md. Irshad, Advocate
For the A.G., Bihar	:	Mr. Ram Kinker Choubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 18-08-2025

Heard the parties.

2. The petitioner has approached this Court seeking issuance of writ in the nature of mandamus directing the respondent authorities to extend the benefits of first and second ACP/MACP to the petitioner in accordance with the relevant rules and schemes governing the assure career progression.



3. Learned Advocate for the petitioner submitted that it is not in dispute that the petitioner was appointed on the post of peon on 19.07.2000 in Primary Teacher Training College, Mahendru, Patna, and after rendering services for more than 22 years, finally the petitioner superannuated on 31.10.2023. However, notwithstanding the aforesaid fact, the petitioner has been deprived from the benefit of ACP/MACP and his pension has been fixed on a lesser amount. It is further contended that since the issue with regard to the benefit for ACP/MACP has already been crystallized under the ACP Rules, 2003 and further in MACP Rules, 2010 as also in view of the ruling of the Hon'ble Apex Court in the case of ***Amresh Kumar Singh and Ors. vs. State of Bihar and Ors.*** reported in ***2023 SCC OnLine SC 496*** and further by the Full Bench of this Court in the case of ***Kamlanand Thakur vs. State of Bihar and Ors.*** and analogous cases reported in ***2025 (2) PLJR 623***, there could not be any impediment in extending the benefit of ACP/MACP to the petitioner.

4. Learned Advocate for the State interjected at this juncture and submitted that apart from the fact the petitioner approached this Court after his superannuation, instruction is required to respond to the averments made in the writ petition.



5. Having considered the submissions advanced by the learned Advocates for the respective parties and the nature of the grievance, this Court deems it appropriate to dispose off the writ petition with a direction to the respondent Nos. 4 and 5 to look into the matter and consider the claim of the petitioner for grant of ACP/MACP and take a final decision, preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

6. Suffice it to observe that in case the claim of the petitioner finds favour, necessary consequential order extending the benefit of ACP/MACP be issued in his favour within the said period.

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

(Harish Kumar, J)

saauravkrsinha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.08.2025
Transmission Date	NA

