

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12487 of 2025

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1. Diwakar Jha Son of Late Giridhari Jha Resident of Village-Singion, P.S.-Rajnagar, District-Madhubani.
 2. Mithilesh Prasad Purbey Son of Late Mahavir Purbey Resident of Village-Tulapat Ganj, P.S.-Araria Sangram, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Main Secretariate, Patna.
2. The Director, Directorate of Integrated Child Development Service (ICDS for Short), Indira Bhawan, Ram Charitra Path, Boring Canal Road, Patna.
3. District Magistrate, Madhubani.
4. District Magistrate, Sitamarhi.
5. District Programme Office (ICDS), Madhubani.
6. Distirct Programme Office (ICDS), Sitamarhi.
7. Child Development Project Officer (CDPO for Short), Jhanjharpur.
8. Child Development Project Officer (CDPO for Short), Benipatti.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kishore Kumar Thakur, Adv Mr. Braj Kishore Singh, Adv Mr. Amit Kumar, Adv
For the Respondent/s	:	Mr. Rajesh Kumar, AC to Government Pleader (3)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 08-09-2025 Heard learned counsel for the petitioners and learned
counsel for the respondent-State.

2. With the consent of both the parties, this writ
application is being disposed of at this stage itself.

3. In the present writ application, the petitioners have
prayed for the grant of following reliefs:

(i) For a direction to the respondents to



make suitable appropriate amendment in the decision arrived at by District screening Committee in its meeting dated 27.08.2018, and thereby come out with the order allowing 1st, 2nd and 3rd ACP/MACP to the petitioner no-1, by counting his entire length of service in the Adult and Non-Formal Education Directorate of the Education department with effect from 18.04.1985, till his date of retirement dated 31.01.2021, in terms with the provision contained in Rule 22 of the MACP Rule 2010, as well as in the light of the judgment and order pronounced in LPA no. 438 of 2017, CWJC no. 11936 of 2011 and CWJC no. 1937 of 2019.

(ii) Further prayer in the present writ application is for a direction to the respondents to re-fix the pension and other pensionary benefits payable to the said petitioner no-1 after granting him 1st ACP with effect from 09.08.1999 and 2nd MACP alongwith 3rd MACP with all consequential benefits with effect from 01.01.2009.

(iii) Further prayer in the present writ application is to make similar appropriate amendment in the order contained in Memo no. 1429 dated 27.09.2021, issued under the signature of respondent District Magistrate Madhubani, and thereby come out with proper amended order granting 1st, 2nd and 3rd ACP/MACP to the petitioner no-2 also, by counting his entire length of service spent in the Directorate of Adult and



Non-Formal Education of Education department with effect from 07.05.1986 till his date of retirement on 31.03.2023.

Thereby the prayer of petitioner no-2 also is to re-fix his pension and other pensionary benefits alongwith the arrears of salary after allowing him 1st ACP with effect from 09.08.1999. Similarly 2nd MACP be also allowed to the petitioner no. 2 with effect from 01.01.2009, as well as 3rd MACP from due dates, with all consequential monetary benefits.

4. Learned counsel for the petitioners submits that a co-ordinate Bench of this Court considered a similar matter and by judgment and order dated 24.10.2024 passed in CWJC No. 1937 of 2019 (Annexure-15), the respondent-authorities were directed to examine the matter in light of the observations made in the said order and decide the same within a fixed period of time. Learned counsel for the petitioners further submits that the petitioners are prepared to file a detailed representation before the Director, Directorate of Integrated Child Development Services (respondent no. 2) within fifteen days from the date of this order and he further prays that if such a representation is filed, an appropriate direction may kindly be issued to the respondent no. 2 to decide the same, by passing a reasoned and



speaking order taking into account the judgment and order dated 24.10.2024 passed in CWJC No. 1937 of 2019 (Annexure-15) read with judgment dated 10.01.2018 passed in LPA No. 438 of 2017 (Annexure-14).

5. To the aforesaid prayer being made by learned counsel for the petitioners, learned counsel for the respondent-State has no objection.

6. Considering the limited nature of prayer being made by learned counsel for the petitioners, this writ application is disposed of granting liberty to the petitioners to file a detailed representation with fifteen days from the date of this order before the Director, Directorate of Integrated Child Development Services (respondent no. 2) and if such a representation is filed by the petitioners within the stipulated period of time then the same shall be decided on merit after giving an opportunity of hearing to the petitioners, by passing a reasoned and speaking order. The entire exercise must be completed by the respondent no. 2 within three months from the date of filing of the representation by the petitioners. It is made clear that while disposing of the representation of the petitioner, the respondent no. 2 will take notice of the judgment and order dated 24.10.2024 passed in CWJC No. 1937 of 2019



(Annexure-15) read with judgment dated 10.01.2018 passed in
LPA No. 438 of 2017 (Annexure-14).

7. With the aforesaid observation/direction, this writ
application is disposed of with the aforesaid liberty. All pending
interlocutory application(s), if any, shall also be deemed to have
been disposed of.

(Alok Kumar Sinha, J)

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