

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6426 of 2018**

Braj Kishore Singh Son of Late Sudarshan Singh, resident of Village and P.O. Ganj Bhadsara, P.S. Dinara, District- Rohtas, at present residing at Rajbanshi Nagar, Quarter No. 144/406 Patna, P.S.- Shastrinagar, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Bihar, Patna.
3. The Chief Engineer, Ganga Birdge Project Sub Section, Road Construction Department, Bihar, Patna.
4. The Superintending Engineer, Drafting cum Mechanical Circle, Ganga Bridge Project, Road Construction Department, Patna.
5. The Executive Engineer, Drafting cum Mechanical Circle, Ganga Bridge Project, Road Construction Department, Gulzarbagh, Patna.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar Sinha, Advocate  
For the Respondent/s : Mr. Amit Prakash, GA-13

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

4      03-07-2025                  Heard Learned Counsel for the petitioner and  
Learned Counsel for the State.

2. Learned Counsel for the petitioner submits that vide order dated 26.02.2024, this Hon'ble Court has pleased to adjourn this matter and directed to place after disposal of L.P.A. No.1609 of 2019. He submits that the said L.P.A. has been decided and the Finance Department has issued a letter dated 29.04.2025 in which Full Bench decision in CWJC No.18727 of 2017 (Kamla Nand Thakur), L.P.A. No.1609 of 2019



(Manzar Hasan) and S.L.P. No.8219-8226 of 2019 (Amresh Kumar Sinha and Others) were considered and it has been decided that without passing the accounts examination, benefit of ACP may be granted exempting the provisions of Rule 157(3) (J) of Bihar Board's Miscellaneous Rules, 1958. Counsel submits that upon receiving information that Finance Department has issued letter No.4862 dated 29.04.2025, he has filed a representation on 13.05.2025 before respondent No.4 for consideration of his claim of ACP in the light of the said letter issued by Finance Department mentioned above.

3. Counsel submits that pendency of the present writ petition may be a barrier for the respondent authorities in taking decision on his representation dated 13.05.2025. It is due to this reason, he submits that writ petition may be disposed of directing respondent No.4 to take a final decision on his representation, which is based on the decision already mentioned in the said letter issued by the Finance Department dated 29.04.2025.

4. Learned Counsel for the State submits that when petitioner himself admits that his representation, which he has filed during the pendency of the writ petition, be disposed off he has no objection for same.



5. In the light of the submissions made, this writ petition is disposed off directing respondent No.4, the Superintending Engineer, Drafting cum Mechanical Circle, Ganga Bridge Project, Road Construction Department, Patna, that his representation which has been filed on 13.05.2025 before him be disposed off within 90 days from the date of receipt/production of a copy of this order.

6. It is made clear that the said respondent shall also pass order on the point of recovery and if it is found that the recovery was not in consonance with the present letter dated 29.04.2025, then the amount shall be returned back. If the decision shall not be made within 90 days then the authority shall be liable to pay interest @ 6% per annum on the dues amount of the petitioner, which has been wrongly recovered from the petitioner.

**(Dr. Anshuman, J)**

Mkr./-

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