

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18172 of 2025

=====

Ganesh Prasad son of Late Shiv Narayan Prasad, resident of in front of
Kushwaha Dharmshala, P.O. and P.S.- Mahnar, District- Vaishali (Hajipur).

... .. Petitioner/s

Versus

1. The State of Bihar Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, General Administration Department,
Government of Bihar, Patna.
3. The Secretary, Revenue Board-cum-Central Examination Committee,
Government of Bihar, Patna.
4. The Principal Secretary, Finance Department, Government of Bihar, Patna.
5. The Officer-in-charge, PCFC, Finance Department, Government of Bihar,
Patna.
6. The Secretary, Agriculture Department, Government of Bihar, Patna.
7. The Special Secretary, Agriculture Department, Government of Bihar, Patna.
8. The Joint Secretary, Agriculture Department, Government of Bihar, Patna.
9. The Deputy Secretary, Agriculture Department, Government of Bihar, Patna.
10. The Under Secretary, Agriculture Department, Government of Bihar, Patna.
11. The Agriculture Director, Agriculture Department, Government of Bihar,
Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Respondent/s : Government Advocate-5

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 08-12-2025 1. Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for
the following reliefs :-

*“i) To issue a writ of certiorari for
setting aside the Notification No. 2704 dated
07.07.2020 (Annexure-P/13) issued under*



signature of Special Secretary, Agriculture Department, Bihar, Patna (Respondent No.7) by which the Respondent No.7 has illegally modified the date of granting 2nd ACP in pay scale Rs.10,000 to 15200/- to the petitioner w.e.f. 08.09.2020 instead of 24.04.2009.

ii) To issue a further writ of certiorari, setting aside/deleting/cancelling the Agriculture Departmental Notification No.90 dated 05.01.2022 issued under the signature of the Respondent No.08 (Annexure-P/14) under which earlier order has been modified by granting pay scale of BP-2 Grade pay-5400/- of 2nd MACP w.e.f. 08.09.2010.

iii) To issue a writ of mandamus commanding and directing the Respondent No.5 to grant/pay of pay scale of Rs.10,000-15,200 and grade pay of Rs.7600 by way of issuing salary slip in the light of his approved ACP dated 24.04.2009 and 3rd MACP dated 24.04.2015 in pursuant to Agriculture Departmental Notification No. 3235 dated 30.09.2019 (Annexure-P/10) issued under the signature of the Respondent No.09 and Agriculture Departmental Notification No. 3235 dated 30.09.2019 issued under the signature of respondent No. 09 forthwith.

iv) Any other relief/reliefs for which the petitioner is found entitled in the facts and circumstances of this case.”

3. It is submitted by learned counsel for the petitioner



that the petitioner has not been granted the benefit of second ACP, on the ground of the petitioner not having passed the departmental Accounts examination. Learned counsel submits that the same is directly in teeth of the Full Bench judgment of this Court in case of **Kamlanand Thakur vs. State of Bihar and Ors.; 2025 (2) PLJR 623**.

4. In light of the above, learned counsel for the petitioner submits that the petitioner shall file a representation before the respondent no.6 and appropriate directions be given to decide the same within a reasonable time.

5. Having heard learned counsel for the parties and having perused the contents of the petition, the writ application is disposed of directing the petitioner to file a representation within a period of four weeks before the Secretary, Agriculture Department, Government of Bihar, Patna (respondent no.6).

6. In case such a representation is filed within the aforesaid period, the same shall be decided by the respondent no.6 taking into consideration the points raised therein including the judgment of this Court referred to herein above within a period of two months from the date of its filing.

7. The consequential benefits found payable to the petitioner shall be paid within the aforesaid period. If for any



reason the representation of the petitioner does not find favour with the respondents, reasoned order for the same shall be communicated to the petitioner.

8. It is made clear that the Court has not gone into the merits of the case of the petitioner which is to be decided by the respondent concerned.

9. The writ application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

avinash/-

U			
---	--	--	--

