

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.742 of 2022
In
Civil Writ Jurisdiction Case No.288 of 2020

1. The State of Bihar through the Principal Secretary Water Resources Department, Govt. of Bihar, Patna.
2. The Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Engineer-in-Chief, Water Resources Department, Govt. of Bihar, Patna.
5. The Chief Engineer, Water Resources Department, Balmiki Nagar, Govt. of Bihar, West Champaran, Motihari.
6. The Chief Engineer, Water Resources Department, Irrigation, Motihari.
7. The Chief Engineer, Flood Control and Water Discharge, Water Resources Department, Muzaffarpur.
8. The Superintending Engineer, Gandak Design Circle, Motihari.
9. The Superintending Engineer, Rupankan, Ayojan and Monitoring Circle, Motihari.
10. The Superintending Engineer, Tirhut Canal Circle, Bettiah.
11. The Executive Engineer, Planning and Quality Control Division, Motihari.
12. The Executive Engineer, Flood Control Division, Motihari.

... .. Appellant/s

Versus

1. Tarkeshwar Prasad S/o Late Sharda Prasad Sinha Resident of Village and P.O.- Bahadurpur, P.S.- Govindganj, District- East Champaran.
2. Surendra Prasad, S/o Late Ram Chandra Prasad Resident of Mohalla- New Colony, Dak Bungla Road, P.S.- Bettiah, District- West Champaran.
3. Hari Shankar Prasad, S/o Late Braj Nandan Prasad Resident of Mohalla- Suratganj Ward No.8, P.S.- Madhubani, District- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anjani Kumar, AAG-4 Mr. Deepak Sahay Jamuar (A.C. To A.A.G.4)
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT



(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 11-04-2025

Re: I.A. No. 01 of 2022

Heard I.A. No. 01 of 2022 for condonation of delay.
There is a delay of about 4 months and 13 days in filing L.P.A.
No. 742 of 2022.

2. For the reasons stated in the application read with
the affidavit, delay of about 4 months and 13 days in filing
L.P.A. No. 742 of 2022 stands condoned.

3. Accordingly, I.A. No. 01 of 2022 stands allowed.

LPA No. 742 of 2022

4. With the consent of Mr. Anjani Kumar learned
AAG-4, the LPA has been taken up for final disposal.

5. Core issue involved in the present *lis* is whether
respondents are entitled to ACP in the absence of passing of
departmental examination or not.

6. A Full Bench of this Court in the case of
Kamlanand Thakur & Anr Vs. the State of Bihar and Ors
reported in **2024(14) BLJ 806** has held that for the purpose of
seeking benefit of ACP the employee/government servant need
not pass the departmental examination.

7. In the light of the Full Bench decision of this Court
in the case of **Kamlanand Thakur & Anr (supra)**, the present



LPA stands disposed of while affirming the order of the learned Single Judge dated 07.07.2022 passed in CWJC No. 288 of 2020.

8. LPA stands disposed of.

9. Pending I.A., if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.04.2025
Transmission Date	NA

