

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1620 of 2025

=====

Rita Kumari Sinha Widow of Late S.P. Sinha, Resident of 63, Shiv Shakti Colony, Chand Chaura, P.S. Bodh Gaya, District- Gaya (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home (Police) Department, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patel Bhawan, Patna.
3. The Inspector General of Police (Head quarter), Bihar, Patel Bhawan, Patna.
4. The Deputy Inspector General of Police, Magadh Range, Gaya.
5. The Senior Superintendent of Police, Gaya.
6. The Superintendet of Police, Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Tejendra Sinha, Adv.

For the Respondent/s: Mr. Akash Raj, AC to GA-5

=====

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 07-03-2025 Heard learned counsel for the petitioner and

learned counsel for the respondents-State.

2. This petition has been preferred by the petitioner being aggrieved with the order contained in Memo No. P-5/21-02-08/2023/115 dated 30.05.2024 (Annexure-7), whereby and whereunder the claim of the petitioner for grant of 1st & 2nd ACP/MACP has been rejected by the Director General of Police, Bihar.

3. This is the second round of litigation. In the first round, the petitioner filed C.W.J.C. No. 771 of 2023, which



was disposed of by a co-ordinate Bench of this Court vide order dated 11.04.2023 giving liberty to the petitioner to make representation with respect to her claim before the concerned respondent. Accordingly, the petitioner made her representation before the concerned respondent which has been rejected vide impugned order contained in memo No. P-5/21-02-08/2023/115 dated 30.05.2024 (Annexure-7) on the ground that since the petitioner has not passed the departmental account examination, therefore, according to the prevailing rules, she is not entitled to get any benefit of ACP/MACP.

4. This issue has already been answered and settled by a full Bench of this Court vide order dated 28.06.2024 passed in the case of ***Kamlanand Thalur Vs. The State of Bihar in C.W.J.C. No. 18727 of 2017*** along with analogous cases, wherein it has been categorically held that for grant of ACP/MACP, passing of departmental accounts examination is not a condition precedent.

6. In view of the above, since the matter has been decided by the full Bench of this Court, it would be appropriate to dispose of the present writ petition at this stage itself directing the concerned respondent to pass a



fresh and reasoned order taking into consideration the observation made by the full Bench of this Court, as stated hereinabove.

7. Accordingly, the impugned order contained in Memo No. P-5/21-02-08/2023/115 (Annexure-7) dated 30.05.2024 is, hereby, set aside. The concerned respondent is directed to pass a fresh and reasoned order in accordance with relevant rules and law and also taking into account the order of Full Bench of this Court in the case of Kamlanand Thakur (supra) preferably within a period of 30 days from the date of receipt of a copy of this order.

8. With the aforesaid observation and direction, the present writ petition stands disposed of.

(Arvind Singh Chandel , J)

brajesh/-

U			
---	--	--	--

