

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11949 of 2017

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Vidyavati Mishra wife of Markendeshwar Mishra, resident of Village-
Naraipur, P.S.- Bagaha, District- West Champaran, Presently residing at
Village- Sukpurwa, Ward No.3, P.S.- Patkhauri, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar,
Patna.
4. Director, Primary Education, Government of Bihar, Patna.
5. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
6. The District Education Officer, West Champaran, Bettiah.
7. The District Programme Officer Establishment, West Champaran, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.
For the Respondent/s : Mr.Madhaw Pd. Yadav, GP-23

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

5 31-01-2026 Heard learned counsel for the petitioner and learned
counsel appearing for respondents-State.

2. The petitioner in the present writ application has
prayed for the grant of following reliefs:

*“1. That, the petitioner seeks indulgence
of this Hon'ble Court for directing and
commanding the respondent authorities
to consider the grant of Second Assured
Career Progression Scheme (A.C.P.
Scheme) in grade pay of Rs. 4600/- in the
pay band of Rs. 9300-34800/- to
corresponding grade pay as per the
grade defined in the definition Rule-4 of
Assured Career Progression Scheme
(A.C.P) Rules-2003 notified by the*



Finance Department, Government of Bihar, to the petitioner from due date and with consequential benefits.”

3. Learned counsel appearing for respondents-State submits that the grievance of the petitioner has already been redressed. In this regard learned counsel appearing for respondents-State invites the attention of this Court to paragraph nos.6, 7 and 8 of the supplementary counter affidavit filed on behalf of respondent nos.6 and 7, which is quoted herein below for needful:

“6. That it is further to draw the attention of this Hon'ble Court that, meanwhile, retired from service after the petitioner has attaining the superannuation age limit. The answering respondent enquired with the petitioner vide letter no. 5789 dated 03.12.2025 about the claims made by the petitioner. In reply to the aforementioned letter, the petitioner in writing, submitted that claim, essentially the subject matter of this writ petition, been redressed in light of departmental has regulations issued from time to time.

A photocopy of letter no. 5789 dated 03.12.2025 of the District Programme Officer, Establishment, West Champaran and a written submission are being annexed herewith and marked as Annexure-R/A and R/B to this supplementary counter affidavit respectively.



7. That later Education Department vide letter no. 1071 dated 07.10.2021 took a resolution wherein in clause 4, it was agreed to provide the Modified Assured Career Progression Scheme in terms employees to Govt. primary school employees, subject other government to the eligibility laid down in Modified Assured Career Progression scheme (ACP) Rules, 2010 and further a detailed guideline was issued vide letter no. 1064 dated 14.09.2022 under the signature of Deputy Secretary, Education Department.

A photocopy of letter no 1071 dated 07.10.2021 and letter no. 1064 dated 14.09.2022 of Deputy Secretary, Patna are being annexed herewith and marked as Annexure-R/C and R/D to this supplementary counter affidavit respectively.

8. That answering respondent in pursuance direction given by the Deputy Secretary, Education of the Department, agreed to the claims and subject matter of this petition vide letter no. 2951 Dated 21.09.2023 and provided the benefits.

A photocopy of letter no. 2951 dated 21.09.2023 are being annexed herewith and marked as Annexure-R/E to this supplementary counter affidavit respectively to this counter affidavit.”

4. Learned counsel for the respondents-State further invites the attention of this Court to a letter contained in Memo



No.2951 dated 21.09.2023 (Annexure-R/C) by which the District Education Officer, West Champaran, Bettiah has communicated that a decision has already been taken to grant the benefit of second MACP to the petitioner.

5. To the above submission made by learned counsel appearing for respondents-State, learned counsel for the petitioner submits that it is true that by letter bearing Memo No.2951 dated 21.09.2023 (Annexure-R/C), it has been communicated by the District Education Officer, West Champaran, Bettiah that decision has been taken to grant the benefit of second MACP to the petitioner, but till date the petitioner has not been paid any monetary benefit in light of the said decision and the petitioner has already retired during the pendency of this case.

6. Considering the submissions made by both the parties, this Court has no hesitation in observing that even after taking decision in July, 2023 which is reflected from the letter contained in Memo No.2951 dated 21.09.2023 (Annexure-R/C) to grant benefit of second MACP to the petitioner, till date the benefit has not percolated to the petitioner who has already retired during the pendency of this case.

7. In the aforesaid facts and circumstances, this Court



considers it appropriate to dispose of the present writ application directing the respondent authorities to grant all the monetary benefits arising out of the decision contained in Memo No.2951 dated 21.09.2023 (Annexure-R/C) to the petitioner within three months from the date of receipt/production of a copy of this order.

8. The writ application is therefore allowed in the aforesaid terms.

(Alok Kumar Sinha, J)

Prakash Narayan

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