IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2517 of 2023

CNR No. BRHC010116692023

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Suresh Nandan Sahay Son of Late Ramadhar Lal Resident of Mohalla Mohanur Punaichak, Post Office and Police Station Shastrinagar, District Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Scheduled Caste and Scheduled Tribe Welfare Department, Government of Bihar, Old Secretariat Building, Patna-800015.
2. The Principal Secreary, Scheduled Caste and Scheduled Tribe Welfare Department, Government of Bihar, Old Secretariat Building, Patna-800015.
3. The Under Secretary, Scheduled Caste and Scheduled Tribe Welfare Department, Government of Bihar, Old Secretariat Building, Patna-800015.
4. The District Welfare Officer, Supaul.
5. The Accountant General, Bihar, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Verma, Advocate
For the State	:	Mr. Deepak Kumar, GP-1 AC to GP-1
For the A.G.	:	Mrs. Nivedita Nirvikar, Sr. Advocate Mr. Amarshakti, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 27-10-2026

Heard learned Counsel for the petitioner, learned Counsel for the State and learned Counsel for the Accountant General.

2. The petitioner has filed the present writ petition with the following relief/s:-

1. That this is an application praying for issuance of a writ in the nature of Mandamus or any other appropriate writ,

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order or direction for commanding the respondents to grant 2nd ACP benefits to the petitioner w.e.f.1.11,2009 in the pay-band 9300-34800 with grade pay of Rs.5400/- in reckoning the revised replacement Scale of Rs.9300-34800 in grade pay of Rs.4800/- allowed to the petitioner on grant of 1st ACP benefits and accordingly to pay the arrears accrued out of difference of grant of aforesaid grade-pay of Rs.5400/- from the date of due till the date of payment with interest thereon inter alia, the following;

(i) The respondents be directed to grant the benefits of 7th pay revision and the revised pay scale/grade pay to the petitioner and accordingly to integrate his pension and other pensionary benefits;

(ii) The respondents be directed to grant additional pay in favour of the petitioner for the period the petitioner worked on the higher post as assigned and further to pay the arrears accrued out of such grant of additional pay.

(iii) The respondents be directed to pay all the outstanding dues to the petitioner along with interest simple as well as penal

(iv) Respondents be directed to grant all the consequential benefits to the petitioner for which he is legally entitled to in the facts and circumstances of the case.

(v) Any other relief or reliefs be granted to the Petitioner for which he is legally entitled to in the facts and circumstances of the case.

3. Learned Counsel for the petitioner submits that in his favour, there is a Full Bench decision passed in CWJC

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No. 18727 of 2017 dated 28.06.2024 **(Kamla Nand Thakur vs. The State of Bihar and Ors.)** with analogous cases reported in 2025(2) PLJR 623, whose paragraph 48 states as follows:-

> *"48. Thus, the questions stand answered as follows:-*
>
> *(A) Rule 157(3) [J] of the Bihar Board's Miscellaneous Rules, 1958, requiring passing of Departmental Accounts Examination for promotion, is not applicable in case of grant of A.C.P. benefits under the A.C.P. Rules, 2003;*
>
> *(B) Rule 157(3)[J] of the Bihar Board's Miscellaneous Rules, 1958 is confined to passing of preliminary examination/final examination in Accounts only for the purposes of confirmation, crossing the efficiency bar and promotion to Selection Grade only and not for regular promotion;*
>
> *(C) Rule 4(5) of the A.C.P. Rules, 2003 even though provides that the prescribed requirements and mode of sanction of financial progression under the scheme (A.C.P. Scheme) shall be the same which are prescribed under the Recruitment/Service Rules for regular promotion against vacancies and if the Rules/Resolutions prescribe passing of Departmental Examination or any qualification for promotion, that shall also be an essential condition for sanction of benefit under the scheme will not affect the claim for grant of A.C.P. after completion of twelve/twenty four years of service for the reason that such financial progression under the A.C.P. Scheme is only in situ promotion and nothing more. This is even*

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> *notwithstanding any such requirement of passing any Departmental Examination or acquiring any educational qualification for promotion under the Service/Recruitment/Promotion Rules."*

4. Learned counsel for the State has raised a preliminary objection and submits that the grievance of the petitioner is well covered under the Bihar Government Servant Grievance Redressal Rules, 2019 (hereinafter referred to as the 'Rules of 2019').

5. In light of the submissions made by the parties and upon perusal of the said Rule, it transpires to this Court that under Rule 2(C) of the the Bihar Government Servant Grievance Redressal Rules, 2019, the word 'complaint' has been defined which states as follows :-

> *"(c) 'Complaint' refers to all matters relating to the service and service benefits of serving and retired personnel of State Government as - (1) related to appointment (2) Service confirmation related (3) related to salary payment and increment (4)* ***promotion****, A.C.P., M.A.C.P. related (5) priority/preference assessment related (6) related to the approval of leaves other than casual leave (7) related to salary during leave (8) related to approval and payment of allowances (9) Medical reimbursements (10) related to payment of retirement benefits such as pension, gratuity, group insurance, encashment of the unavailed leaves and payment of General Provident Fund.*
>
> *However, if any of the above related matter is under any Court's consideration then it will not be considered as a complaint under this system.*

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> *But further, matters relating to disciplinary & departmental action, and transfer / posting / deputation will not be included as complaints under this. Any case, under the Right to Information Act, 2005 will also not be considered as a complaint under this system."*

and procedure for filing complaint has also been prescribed under Rule 3 of the the Bihar Government Servant Grievance Redressal Rules, 2019 which states as follows :-

> *"3. Procedure for filing a complaint: Procedure for registering complaints related to service matters and retirement benefits will be as follows -*
>
> *(a) Any employee of the Bihar State Government, serving or retired, of any group can file any complaint related to their service matters and/or retirement benefits, through online mode. In the event of death of a Government Personnel, complaint can be lodged by his/her dependent, The applicant will have to mention the details of the office / officer, his/her complaint is related to. Other relevant details will also have to be provided in the online application.*
>
> *(b) In one application, complaint related to only one subject can be filed. Since no fee is required for registering a complaint, therefore, if a complainant wants relief in more than one subject then he/she has to register a separate application for it. In spite of this, if in the same application relief on more than one subject is being sought for, then in that case, the first issue mentioned in the complaint application will be considered as the complaint and further action will be taken on the same."*

6. In this background, the petitioner is granted liberty to file a complaint under the provisions of the Bihar Government Servant Grievance Redressal Rules, 2019 raising all points including the point which the petitioner has taken here within 30 days from today. Upon filing of the said complaint,

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the authority concerned shall pass orders within the time specified in the Bihar Government Servant Grievance Redressal Rules, 2019.

7. With the aforesaid observation and direction, the present writ petition stands disposed off.

(Dr. Anshuman, J)

Anshuman/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31/10/2026
Transmission Date	

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