

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24304 of 2018

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Ram Babu Chaudhary S/o Late Ram Udgar Chaudhary Resident of Village
Fateha, P.S. Bachhabara, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, water Resources Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, patna
3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna
4. The Chief Engineer, Water Resources Department, Bhagalpur
5. The Superintending Engineer, Water Resources Department, Kharagpur, Jamui.
6. The Executive Engineer, Irrigation Division No. 1, Laxmipur, Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vaidehi Raman Prasad Singh, Advocate
For the Respondent/s : Mr. Anjani Kumar, AAG-4

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 07-01-2026

Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. The petitioner has filed the instant application
for the following relief(s) :

*“a) For quashing the corrigendum issued under
memo no. 3527 dated 18/11/2014 under the
signature of the Chief Engineer, Water Resources
Department, Bhagalpur (Annexure 2) amending
his office order issued under memo no. 2548
dated 20/8/2014 (Annexure 1) in so far as the
case of the petitioner is concerned and thereby
denying grant of benefit of Assured Career*



Progression Scheme / Modified Assure Career Progression Scheme to the petitioner.

b) For restoring the benefit of Assured Career Progression Scheme /Modified Career Progression Scheme to the petitioner as granted to him by the office order of the Chief Engineer, Water Resources Department, Bhagalpur issued under memo no. 2548 dated 20/8/2014 (Annexure 1) with all consequential benefits.

c) For a direction to the respondents to pay interest to the petitioner over the sum illegally withheld by the respondents by denying the petitioner the benefit of Assured Career Progression Scheme / Modified Career Progression Scheme.”

3. It is the case of the petitioner that the petitioner was appointed as *Moharrir* by the Executive Engineer, Raghapur Division under the Water Resources Department in the year 1970 in the regular establishment and he continued to work on that post. Not having received any financial progression during his service period except for the first time bound promotion with effect from 1.1.1981, the petitioner superannuated from service on 31.1.2009.

4. Learned counsel for the petitioner submits that by order dated 20.8.2014, the petitioner was given first, second and third financial progression under the modified



ACP Scheme with effect from 9.8.1999, 9.8.1999 and 1.1.2009 respectively by the office order issued under the signature of the Chief Engineer, Water Resources Department, Bhagalpur, however by a corrigendum issued on 18.11.2014 under the signature of the Chief Engineer, the benefit granted by order dated 20.8.2014 was withdrawn only on the ground that the petitioner had not passed the Accounts examination.

5. Learned counsel for the petitioner submits that the matter in issue with respect to grant of ACP benefits of persons not having passed the departmental Accounts examination is covered by the case of **Kamlanand Thakur vs. the State of Bihar & Ors.; 2025 (2) PLJR 623 (FB)**.

6. In response, though the prayer made in the writ application is opposed by learned counsel appearing for the State of Bihar on the basis of the contents of the counter affidavit filed, however it is fairly submitted that the counter affidavit was filed in February, 2019 while the Full Bench judgment relied upon by learned counsel for the petitioner has come in the year 2024.

7. Heard learned counsel for the parties and perused the material on record.

8. The issue as to whether the relevant provision



under the Bihar Board's Miscellaneous Rules, 1958 requiring passing of the departmental Accounts examination for promotion is applicable in case of grant of ACP benefits under the ACP Rules, 2003 came for consideration by a Full Bench of this Court in the case of **Kamlanand Thakur** (*supra*) wherein this Court decided 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 notwithstanding any such requirement of passing any Departmental Examination or acquiring any educational qualification for promotion under the Service/ Recruitment/ Promotion Rules.”

9. In view of the above, this Court having held in the case of **Kamlanand Thakur** (*supra*) that passing of the departmental Accounts examination for promotion is not applicable in case of grant of ACP benefits under the ACP Rules, 2003, in the opinion of the Court, the case of the petitioner is fully covered by the said judgment.

10. In view of the facts and circumstances of the case, in the opinion of the Court, the petitioner has made out a case for grant of relief.

11. The order rejecting the grant of benefit of ACP/modified ACP Scheme to the petitioner contained in memo no.3527 dated 18.11.2014 issued under the signature of the Chief Engineer, Water Resources Department, Bhagalpur so far as it relates to the petitioner is set aside.

12. The consequential benefits shall be paid by the Executive Engineer, Irrigation Division no.1, Laxmipur,



Jamui (respondent no.6) within a within a period of 3 months
from the date of receipt/ production of a copy of this order.

13. The writ application stands allowed.

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.01.2026
Transmission Date	

