

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5566 of 2026

=====

Vijay Kumar Mishra S/o- Late Indra Narayan Mishra, R/o- Ward No.-08,
Dharampur, District- Samastipur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Chief Engineer-6, Rural Works Department, Government of Bihar, Darbhanga.
3. The Superintendent Engineer, Rural Works Department, Works Circle, Samastipur.
4. The Executive Engineer, Rural Works Department, Works Division, Patori, Samastipur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : None
For the Respondent/s : Md. Harun Quareshi, A.C. to S.C.-1

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 21-04-2026 No one appears for the petitioner. Learned counsel
for the State of Bihar is present.

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

*“(i) For directing the Respondents
concerned authorities for grant of benefit of 3rd A.C.P
to the late father of the Petitioner and after grant
thereof pay all the consequential benefits to the
petitioner, as the late father of the petitioner was in
service since 1.03.1970 but the respondent No.2
allowed only 2 ACP benefits by entering wrong
joining date as 26.06.1981.*

(ii) To pass such other order /orders,



direction/directions as Your Lord Ships may deem fit and proper in the facts and circumstances of this case.”

3. On perusal of the materials on record, it transpires that the mother of the petitioner had moved this Court for similar reliefs for grant of benefits of A.C.P. vide CWJC no.12832 of 2013 which was permitted to be withdrawn by order dated 14.12.2016. Subsequently, the petitioner moved this Court once again for the same relief vide CWJC no.948 of 2021 which was allowed by this Court by order dated 24.3.2021 (Annexure-1) in the following terms:

“5. Having regard to the law laid down by the learned Division Bench of this Court in the case of Jivachi Devi (supra), this Court finds that the benefits of ACP (Assured Career Progression), to the deceased father of the petitioner, could not have been denied on account of non-passing of the Departmental Accounts Examination, hence, the respondents are directed to grant the benefits of ACP to the deceased father of the petitioner from the date, the same became due and, accordingly, make payment of the consequential monetary benefits to the legal heirs of the deceased father of the petitioner within a period of eight weeks from today.”

4. The State of Bihar preferred LPA no.541 of 2021 against the order allowing CWJC no.948 of 2021. By order dated 23.4.2024, this Court in LPA no.541 of 2021 found no



infirmity in the order of the learned Single Judge and accordingly LPA no.541 of 2021 was dismissed.

5. The earlier writ application (CWJC no.948 of 2021) having been allowed by this Court in the terms as quoted herein above and the appeal preferred by the State of Bihar having been dismissed, in the opinion of the Court, the respondents had to comply with the order passed in the writ application or the petitioner had to file a contempt application against the same. The instant application would not be maintainable.

6. The application is dismissed.

(Partha Sarthy, J)

Saurabh/-

U			
---	--	--	--

