

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7002 of 2024

Ashit Kumar Chakroborty son of late Sushil Kumar Chakroborty resident of Temple View Complex, L.I.C. Road, P.S. Madhyamgram(m), District- North 24, Pargana, West Bengal, the retired Senior Accounts Clerk, Rural Works Department, Patna Works Division, Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary Finance Department, Government of Bihar, Patna
3. The Secretary (Expenditure) Finance Department, Government of Bihar, Patna
4. The Principal Secretary Rural Works Department, Government of Bihar, Patna
5. The Engineer-in-Chief-cum-Additional Secretary-cum-Special Secretary Rural Works Department, Government of Bihar, Patna
6. The Chief Engineer-1 Rural Works Department, Bihar, Patna
7. The Superintending Engineer Rural Works Department, Patna Works Circle, Patna
8. The Executive Engineer Rural Works Department, Patna Works Division, Patna

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3207 of 2023

1. Ajit Prasad Son of Late Lallu Prasad, Resident of Mohalla - Gareri, Station Road, Dumraon, P.S. Dumraon, District- Buxar, the retired Senior Accounts Clerk, Sone Canal Division, Bikramganj, District - Rohtas.
2. Bijay Kumar Pathak, Son of Late Hriday Narayan Pathak, resident of Village and P.O. Pandey Patti, P.S. Buxar, District - Buxar, presently posted as Senior Accounts Clerk, Ganga Pump Canal Division, Chausa, District - Buxar.
3. Praveen Kumar, son of Late Chandrika Prasad Sinha, resident of Village - Bhujwa, P.O. and P.S. Gogri, District - Khagaria, presently posted as Senior Accounts Clerk, Flood Control and Drainage Division, Lalganj, District - Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.



- 3. The Secretary (Expenditure), Finance Department, Government of Bihar, Patna.
- 4. The Principal Secretary, Minor Water Resources Department, Government of Bihar, Patna.
- 5. The Engineer-in-Chief-cum-Additional Secretary-cum-Special Secretary, Minor Water Resources Department, Government of Bihar, Patna.
- 6. The Executive Engineer, Minor Water Resources Department, Sone Canal Division, Bikramganj, District - Rohtas.
- 7. The Executive Engineer, Minor Water Resources Department, Ganga Pump Canal Division, Chausa, District - Buxar.
- 8. The Executive Engineer, Minor Water Resources Department, Flood Control and Drainage Division, Lalganj, District - Vaishali at Hajipur.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 7369 of 2024

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Mohit Narayan Singh son of Late Anandu Prasad Resident of Village -Sakarpura, P.O. and P.S. Masaurhi, District- Patna, the retired Senior Accounts Clerk, Water Resources Department, Flood Protection Division, Mokama, Camp- Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

- 1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
- 2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna
- 3. The Engineer-in-Chief, Water Resources Department, Government of Bihar, Patna
- 4. The Chief Engineer, Water Resources Department, Flood Control and Drainage, Government of Bihar, Patna
- 5. The Superintending Engineer, Water Resources Department, Flood Protection and Drainage Circle, Biharsharif
- 6. The Executive Engineer, Water Resources Department, Flood Protection Division, Mokama, Camp- Bakhtiyarpur, District- Patna

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 8871 of 2024

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- 1. Dineshwar Singh Son of Late Fekan Ram, resident of Ward no. 3 Narayan Tola, New Sidhauli, P.O. Dalmiya Nagar, P.S. Dehri, District- Rohtas at Sasaram, presently working as Senior Accounts Clerk in the office of Executive Engineer, Water Resources Department, Irrigation Division, Dehri, District- Rohtas



2. Md. Anwar Sadat Ansari Son of Late Ahmad Ansari, resident of ward No. 31, Neel Kothi, Near Rahul Muslimin Madarsa, P.O. and P.S. Dehri, District- District- Rohtas at Sasaram, presently working as Senior Accounts Clerk in the office of Executive Engineer, Water Resources Department, Design Division, Dehri, District- Rohtas
3. Pankaj Kumar Son of Late Arvind Kumar Singh, resident of Kako Road, near Telephone Exchange, East of Government Bus Depot, P.O. and P.S. Jehanabad, District- Jehanabad, presently working as Senior Accounts Clerk in the office of Executive Engineer, Water Resources Department. Sone Canal Division, Bikramganj, District- Rohtas.
4. Manoj Kumar Son of Late Sanktha Lal, resident of village- Gareya, P.O. Akhtiyarpur, P.S. Karhagar, District- Rohtas, presently working as Senior Accounts Clerk in the office of Executive Engineer, Water Resources Department, Sone High Level Canal Division, Bhabhua, District- Kaimur.
5. Rajesh Kumar Son of Late Ramgopal Singh, resident of Mohalla- Nooranganj, Bauliya Road, Sasaram P.O. Sasaram, P.S. Sasaram Town, District- Rohta, presently working as Senior Accounts clerk in the office of Executive Engineer, Water Resources Department, Sone High Level Canal Division, Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department , Government of Bihar, Patna.
3. The Secretary (Expenditure), Finance Department , Government of Bihar, Patna.
4. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
5. The Engineer-in-Chief-cum-Additional Secretary-cum-Special Secretary, Water Resources Department, Government of Bihar, Patna.
6. The Chief Engineer, Water Resources Department, Irrigation Creation Dehri.
7. The Superintending Engineer, Water Resources Department, Irrigation Circle, Bhabhua,
8. The Superintending Engineer, Water Resources Department, Sone Canal Circle, Ara,
9. The Superintending Engineer, Water Resources Department, Design, Planning and Monitoring Circle, Dehri, District- Rohtas.
10. The Executive Engineer, Water Resources Department, Design Division, Dehri, District- Rohtas.
11. The Executive Engineer, Water Resources Department, Design Division, Dehri, District- Rohtas.
12. The Executive Engineer, Water Resources Department, Sone Canal Division, Bikramganj, District- Rohtas
13. The Executive Engineer, Water Resources Department, Sone High Level Canal Division, Bhabhua, District- Kaimur.



14. The Executive Engineer, Water Resources Department, Sone High Level Canal Division, Sasaram, District- Rohtas.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 8918 of 2024

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1. Sitaram Bhujel Son of Late Balbahadur, resident of Gandak Colony, Station Road, Ward No.1, P.O. and P.S. Gopalganj, District Gopalganj, presently working as Senior Accounts Clerk in the office of Executive Engineer, Water Resources Department, Flood Control Division, Gopalganj
2. Gaurishankar Chaudhary Son of Late Beni Madhav Chaudhary, resident of village- Patkhauli, Ward No.3, P.O. Malkhauli Patkhauli, P.S. Bagaha, District West Champaran, presently working as Senior Accounts Clerk in the office of Executive Engineer, Water Resources Department, Flood Control Division, 2, Padrauna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Secretary (Expenditure), Finance Department, Government of Bihar, Patna.
4. The Principal Secretary, Water Resources Department , Government of Bihar, Patra
5. The Engineer-in-Chief -cum- Additional Secretary -cum- Special Secretary, Water Resources Department, Government of Bihar, Patna.
6. The Chief Engineer, Water Resources Department, Siwan.
7. The Executive Engineer, Water Resources Department Flood Control Division, Gopalganj.
8. The Executive Engineer, Water Resources Department, Flood Control Division-2, Padrauna.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 9223 of 2024

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1. Ram Prasad Mishra son of Late Sansari Mishra, resident of village- Chattar Patti, P.O. Bodha Chhapar, P.S. Gopalpur, District - Gopalganj, the retired Senior Accounts Clerk office of the Executive Engineer, Water Resources Department, Flood Control Division, Gopalganj.
2. Shatrughan Tiwari son of Late Lalan Tiwari resident of village- Tiwari Matihania, P.O. Sipara, P.S.- Bishambharpur, District- Gopalganj, the retired the retired Senior Accounts Clerk office of the Executive Engineer, Water Resources Department, Flood Control Division, Gopalganj.



3. Agan Bhagat son of Bikram Bhagat, resident of Mohalla- Manikpur, Station Road Gopalganj, P.O. and P.S. Gopalganj, District - Gopalganj, the retired Senior Accounts Clerk office of the Executive Engineer, Water Resources Department, Flood Control Division, Gopalganj.
4. Govardhan Prasad son of Late Chaturi Prasad, resident of Mohalla -Manikpur, P.O. and P.S.Gopalganj, District-Gopalganj, the retired Senior Accounts Clerk office of the Executive Engineer, Water Resources Department, Saran Canal Division, Siwan.
5. Manager Sah son of Megha Sah Resident of village- Purkhas, P.O. Bodha Chhapar, P.S. Gopalpur, District - Gopalganj, retired Senior Accounts Clerk, Rural Works Department, Rural Development Division No. 2, Siwan.
6. Parasnath Verma son of Lila, resident of village and P.O. Ahirauli Baghel, District -Deoria (U.P.), the retired Senior Accounts Clerk office of the Executive Engineer, Rural Works Department, Works Division No.2, Gopalganj.
7. Sheojee Singh son of Late Bunna Singh, resident of village- Gulaura, P.O. Ratanpura, P.S. Kuchaikote, District - Gopalganj, the retired Senior Accounts Clerk office of the Executive Engineer Rural Works Department, Works Division No.3, Sonapur, District - Saran.
8. Shiw Shankar Sharma son of Late Hiralal Sharma, resident of village-Sikatiya, P.O. Khawaspur P.S. Basantpur, District-Siwan, the retired Senior Accounts Clerk office of the Superintending Engineer, Water Resources Department, Flood Control and Water Drainage Circle Muzaffarpur.
9. Birendra Kumar Singh son of Late Ram Ayodhya Singh, resident of 380 K, Rana Pratap Nagar, Near Koat Dev Mandir, P.O. and P.S. Bhagwan Bazar, District -Saran Chapra, the retired Senior Accounts Clerk office of the Executive Engineer, Water Resources Department, Flood Control Division, Thakraha Camp, Gopalganj.
10. Fazlurrahman son of Late Dr. Ekramul Haque, resident of Ward No.22, Dr. Hasnain Kaushalya Chowk, P.O. and P.S. Gopalganj District Gopalganj, the retired Senior Accounts Clerk Office of the Executive Engineer, Water Resources Department Flood Control Division, Thakraha Camp, Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Secretary (Expenditure), Finance Department, Government of Bihar, Patna.
4. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
5. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
6. The Chief Engineer, Water Resources Department, Muzaffarpur.
7. The Superintending Engineer, Water Resources Department, Flood Control and Water Drainage Circle, Muzaffarpur.



- 8. The Executive Engineer, Water Resources Department, Flood Control Division, Gopalganj.
- 9. The Executive Engineer, Water Resources Department, Saran Canal Division, Siwan.
- 10. The Executive Director, Rural Works Department, Rural Development Division No. 2, Siwan.
- 11. The Executive Engineer, Rural Works Department, Works Division No. 2, Gopalganj.
- 12. The Executive Engineer, Rural Works Department, Works Division No. 3, Sonapur, District-Saran.
- 13. The Executive Engineer, Water Resources Department, Flood Control Division, Thakraha Camp, Gopalganj.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 9513 of 2024

- 1. Brijendra Prasad Singh son of Late Ram Bahadur Singh, resident of Village and P.O. Suitha, P.S. Parsa Bazar, District-Patna, presently residing at Mohalla-Salimpur Ahra, Gali No. 2, P.O. Kadam Kuan, P.S. Gandhi Maidan, District-Patna, the retired Senior Accounts Clerk, office of the Executive Engineer, Contract Administration Division, Headquarter-3, now known as office of the Executive Engineer, Rural Works Department, Advance Planning Division No. 2, Patna.
- 2. Sidhnath Singh Son of Late Mathura Singh, resident of Village-Dariyapur, P.O. Bhasawan, P.S. Masaurhi, District-Patna, the retired Senior Accounts Clerk Office of the Executive Engineer, Water Resources Department Punpun Flood Protection Division, Patna City, Karbigahiya, Patna.
- 3. Vijay Narain Singh, son of Late Deo Sidh Naraian Singh, resident of Village-Narhat, P.O. Kharauna, P.S. Bhagwanganj, District-Patna, the retired Senior Accounts Clerk Office of the Executive Engineer, Water Resources Department Punpun Flood Protection Division, Patna City, Karbigahiya, Patna.
- 4. Pushpa Devi, Wife of Late Binod Kumar, Resident of Rose Vale Academy, Loha Singh Gali, Ward No. 38, Behind Tara Hotel, Kadam Kuan, P.O. Kadam Kuan, P.S. Gandhi Maidan, District-Patna.

... .. Petitioner/s

Versus

- 1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
- 2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
- 3. The Secretary (Expenditure), Finance Department, Government of Bihar, Patna.
- 4. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.



- 5. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
- 6. The Superintending Engineer, Rural Works Department, Advance Planning Circle, Patna.
- 7. The Executive Engineer, Rural Works Department, Advance Planning Division No. 2, Patna.
- 8. The Superintending Engineer, Rural Works Department, Works Circle, Bhagalpur.
- 9. The Executive Engineer, Rural Works Department, Works Division, Bhagalpur.
- 10. The Superintending Engineer, Water Resources Department, Punpun Flood Protection Circle, Patna.
- 11. The Executive Engineer, Water Resources Department, Punpun Flood Control Division, Patna City, Karbigahiya, Patna.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 7002 of 2024)

For the Petitioner/s : Mr. SBK Manglam, Advocate
Mr. Awnish Kumar, Advocate
Mr. Kumar Gaurav, Advocate
Mr. Vikash Kr. Singh, Advocate
Mr. Rishi Raj, Advocate
For the State : Mr. Birju Prasad, GP-13
Mrs. Shweta Anand, AC to GP-13

(In Civil Writ Jurisdiction Case No. 3207 of 2023)

For the Petitioner/s : Mr. SBK Manglam, Advocate
Mr. Awnish Kumar, Advocate
Mr. Kumar Gaurav, Advocate
Mr. Vikash Kr. Singh, Advocate
Mr. Rishi Raj, Advocate
For the State : Mr. Rajat Kumar Tiwary, AC to SC-15

(In Civil Writ Jurisdiction Case No. 7369 of 2024)

For the Petitioner/s : Mr. SBK Manglam, Advocate
Mr. Awnish Kumar, Advocate
Mr. Kumar Gaurav, Advocate
Mr. Vikash Kr. Singh, Advocate
Mr. Rishi Raj, Advocate
For the State : Mr. Swapnil Kumar Singh, AC to GP-19

(In Civil Writ Jurisdiction Case No. 8871 of 2024)

For the Petitioner/s : Mr. SBK Manglam, Advocate
Mr. Awnish Kumar, Advocate
Mr. Kumar Gaurav, Advocate
Mr. Vikash Kr. Singh, Advocate
Mr. Rishi Raj, Advocate
For the State : Mr. Prabhakar Jha, GP-27
Mr. Hari Mohan Mishra, AC to GP-27

(In Civil Writ Jurisdiction Case No. 8918 of 2024)

For the Petitioner/s : Mr. SBK Manglam, Advocate
Mr. Awnish Kumar, Advocate
Mr. Kumar Gaurav, Advocate



Mr. Vikash Kr. Singh, Advocate
Mr. Rishi Raj, Advocate
For the State : Mrs. Puspanjali, Sharma, AC to SC-20
(In Civil Writ Jurisdiction Case No. 9223 of 2024)
For the Petitioner/s : Mr. SBK Manglam, Advocate
Mr. Awnish Kumar, Advocate
Mr. Kumar Gaurav, Advocate
Mr. Vikash Kr. Singh, Advocate
Mr. Rishi Raj, Advocate
For the State : Mr. Standing Counsel (15)
(In Civil Writ Jurisdiction Case No. 9513 of 2024)
For the Petitioner/s : Mr. SBK Manglam, Advocate
Mr. Awnish Kumar, Advocate
Mr. Kumar Gaurav, Advocate
Mr. Vikash Kr. Singh, Advocate
Mr. Rishi Raj, Advocate
For the State : Mr. Binod Kr. Yadav, SC-18

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

9 16-02-2026 Heard learned counsel for the petitioners and learned
counsel for the State in all cases.

Re: CWJC No. 7002 of 2024 & CWJC No. 7369 of
2024

2. Learned counsel for the petitioners appearing in the
batch cases submits that the grievances of the petitioners in
CWJC No. 7002 of 2024 and CWJC No. 7369 of 2024 have
been settled during the pendency of the writ petitions.

3. As such, counsel for the petitioners seeks
permission to withdraw the writ petitions, namely, CWJC No.
7002 of 2024 & CWJC No. 7369 of 2024.

4. Permission, as prayed for, is granted.

5. Accordingly, the above-mentioned writ petitions,
namely, CWJC No. 7002 of 2024 & CWJC No. 7369 of 2024



are hereby dismissed as withdrawn.

Re: CWJC No. 3207 of 2023, CWJC No. 8871 of 2024, CWJC No. 8918 of 2024, CWJC No. 9223 of 2024 & CWJC No. 9513 of 2024.

6. Learned counsel appearing in the above-mentioned writ petitions submits that in these cases, namely, CWJC No. 3207 of 2023, CWJC No. 8871 of 2024, CWJC No. 8918 of 2024 and CWJC No. 9513 of 2024, no representation is on record, whereas in CWJC No. 9223 of 2024 there is representation at Annexure P/9 series. Counsel further submits that the issue involved in all those writ petitions has been squarely covered by the decision passed by the Hon'ble Supreme Court of India in SLP (C) Nos. 8219–8226 of 2019, in which the Hon'ble Supreme Court of India has been pleased to hold that both ACP and MACP Schemes are schemes devised with the object of ensuring that the employees who are unable to avail of adequate promotional opportunities, get some relief in the form of financial benefits.

7. Counsel further submits that a counter-affidavit has been filed in CWJC No. 8918 of 2024, in which Letter No. 2178 dated 27.02.2025, issued by the Principal Secretary, Finance Department, has been annexed as Annexure C/1. Counsel



further submits that all the petitioners in the above-mentioned writ petitions are entitled to the relief as prayed for in their respective writ petitions in light of the aforesaid judgment of the Hon'ble Supreme Court of India, as well as vide Letter No. 2178 dated 27.02.2025 issued by the Principal Secretary, Finance Department.

8. Learned counsel for the State submits that in all the writ petitions, except the above two which were withdrawn, in one writ petition, i.e., CWJC No. 9223 of 2024, a representation has been filed, however, the said representation was not filed by all the petitioners, only a few petitioners have filed the representation.

9. In light of the submissions made above, this Court directs the petitioners of the above-mentioned writ petitions, namely, CWJC No. 3207 of 2023, CWJC No. 8871 of 2024, CWJC No. 8918 of 2024, CWJC No. 9223 of 2024, and CWJC No. 9513 of 2024, to file their individual representations, including all details of their grievances, the judgment passed by the Supreme Court of India in SLP (C) Nos. 8219–8226 of 2019, as well as Letter No. 2178 dated 27.02.2025, or any other relevant points, before the Principal Secretary, Water Resources Department, Government of Bihar, Patna (Respondent No. 4),



within 30 days. The Principal Secretary shall decide the petitioners' representations in accordance with Clause 4.C of the Bihar State Litigation Policy, 2011 within 60 days thereafter. If it is found that the petitioners' cases are squarely covered by the order passed by the Supreme Court of India in SLP (C) Nos. 8219–8226 of 2019, as well as by Letter No. 2178 dated 27.02.2025, then, in that case, the relief granted to others shall also be granted to the petitioners.

10. Accordingly, in view of the above directions, the present writ petitions stand disposed off, along with the Interlocutory Application(s), if any. It is made clear that the respondent shall also pass an order regarding the entitlement to the monetary benefit.

(Dr. Anshuman, J.)

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