IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6923 of 2026

CNR No. BRHC010418602026

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Sanjay Kumar, Son of Late Phuldeo Praad Prasad C/o Late Balmiki Singh, resident of Mohalla- Shiv Mandir Gali, Sheikhpura, P.S.- Shastrinagar, District- Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, General Administration Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Finance, Government of Bihar, Patna.
3. The Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
4. The Secretary-cum-Chairman of Departmental Grievance Redressal Cell Prohibition, Excise and Registration Department, Government of Bihar, Patna.
5. The Commissioner, Prohibition, Excise and Registration Department, Government of Bihar, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Indu Bhushan, Advocate.

For the Respondent/s : Mr. Dhaneshwar Prasad Gupta, AC to GP 20

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY

ORAL ORDER

3 30-10-2026 **Re: I.A. No. 01 of 2026**

For the reasons mentioned in the I.A. No. 01 of 2026, it is allowed.

2. Registry is directed to make necessary amendment in the prayer portion accordingly.

Re: Civil Writ Jurisdiction Case No. 6923 of 2026

3. Heard the learned counsel for the parties.

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4. The present writ petition has been filed for the following relief(s):-

> *(1) ....for issuance of an appropriate writ in the nature of Mandamus commanding the responsible respondents for a direction to pay the benefit of First A.C.P. with effect from the year 2005 and Second M.A.C.P. w.e.f. the year 2015 considering the representation dated 21.10.2024 before the Respondent No.03 and representation dated 26.08.2025 submitted before the Respondent No.04.*
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> *1(i) For issuance of an appropriate writ in the nature of certiorari for quashing Letter No.2765 dated 14.05.2026 issued by under the signature of Deputy Secretary to the Government, Department of Prohibition, Excise & Registration Department, Bihar, Patna."*

5. A Full Bench of this Hon'ble Court in CWJC No. 18727 of 2017 along with other analogous cases *vide* order dated 28.06.2024 under similar circumstances has held as under;

> *"47. The effect of scheme, the Supreme Court went on, must be judged keeping in view the object and purport of the scheme. In that context, it was further held that the fulfillment of educational qualifications prescribed under the Recruitment Rules for the purposes of promotion are not necessary for non-functional in situ promotion like grant of ACP.*
>
> *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*

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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."

6. Having regard to the law laid down by a Full Bench of this Hon'ble Court in the above mentioned case, the issue involved in the present writ petition is no longer *res integra*.

7. The stand of the authorities that the ACP/ MACP has been denied to the petitioner on the ground that the petitioner has not passed the qualifying exam and also that the Vigilance Case is pending against him does not stand the legal scrutiny.

8. Having regard to the same, the impugned order

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dated 14.05.2026 is set aside. The authorities are directed to calculate the ACP/ MACP and grant the same to the petitioner as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order.

9. With the above directions, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

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