

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8539 of 2025

Pradeep Paswan S/O -Girdhari Paswan, Resident of Village- Kutlupur near Airport, P.S. Bihta, District-Patna, Bihar-801103, At present working as Revenue Clerk, Sone Canal Division, Khagaul, 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 chief Engineer Irrigation Creation, Water Resources Department, Dehari Auragabad, Bihar.
6. The Superintending Engineer, Sone High Level Canal Circle Aurangabad Bihar.
7. The executive Engineer, Sone Canal Division khagaul Danapur, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate Mr. Ajeet Kumar, Advocate
For the State	:	Mr. Divit Vinod, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-04-2026 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for the following relief/s:-

“1. For issuance of appropriate writ in the nature of writ of certiorari for Quashing and set aside the order dated 11.02.2025 as mentioned in Memo No.331 contained in Annexure p/4 series issued under signature of



Chief Engineer, Irrigation Creation, Water Resources Department, Auragabad, Bihar and consequential order contained in Memo no, 374 and 516 dated 07.03.2025 and 24.03.2025 respectively under signature of The executive Engineer, Sone Canal Division khagaul, whereby and where under the 1st ACP And 2nd MACP granted to the petitioner vide memo 2990 dated 29.08.2023 has been revised/shifted on the ground that he has not passed the Departmental Examination prior to 12.10.2007 so he is not eligible for 1st ACP on the due date when he has completed 12 years of his continuous service and 2nd MACP after completion of 20 years of service.

II. For issuance of appropriate writ in the nature of MANDAMUS Commanding and directing the Respondent Authorities for grant of Benefits of Bihar State service condition (Assured career progression scheme) Rules 2003 to the petitioner as 1st ACP in pay-scale of Pay Scale 4500-7000 with effects from 03.04.2005, when the petitioner had completed his 12 year of continuous service and 2nd MACP in pay scale of 9300-34800 Grade Pay 4200 Level -6 with effects from 03.04.2013 after completion of his 20 years of continuous service and 3rd MACP in Pay Scale pay Level -7 with effects from 03.04.2023 after completion of his 30 years of continuous



service after being appointed as Revenue clerk in the Respondent Department in view of aforesaid Amended Provision of 2003 Rules of Bihar State Employees Service condition (Assured career Progression Scheme) (Amendment) Rules 2010, read with full Bench Judgment of this Hon'ble Court in case of Kamlanand Thakur vs. State of Bihar & Ors (C.W.J.C. No.18727 of 2017) and other analogous cases on the issue aforesaid after modification of orders by which the benefits of 1st ACP was granted to the petitioner on 13.10.2007 after passing of the Departmental Examination and 2nd MACP was granted on 13.10.2017 after 10 years of 1st ACP.

III. For issuance of an appropriate writ in the Nature of MANDAMUS Commanding and directing the Respondent Authorities to not recovered the amount granted to the petitioner vide memo 2990 dated 29.08.2023 and to pay the consequential monetary benefits in accordance with Law, when the matter has been set at rest by the Hon'ble Court by its pronouncement of Judgment of Full Bench of this court that as passing of account examination was "sine qua non" for grant of benefit(s) under the ACP/MACP.

IV. For Commanding and directing the Respondents Authorities for Payment of Consequential benefits such as well as



difference of Arrear of salary after granting pay revision of 1st ACP, 2nd MACP to the petitioner with effects from 03.04.2005 and 03.04.2013, respectively for which the petitioner is entitled in accordance with law.

V. For issuance of direction to stay the operation of order dated 11.02.2025 as mentioned in Memo No.331 contained in Annexure p/4 series issued under signature of Chief Engineer, Irrigation Creation, Water Resources Department, Auragabad, Bihar and consequential order contained in Memo no, 374 and 516 dated 07.03.2025 and 24.03.2025 respectively under signature of The executive Engineer, Sone Canal Division khagaul.

VI. For issuance of any other appropriate writ/ writs order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that he has received a copy of the counter affidavit and in the counter affidavit, it has come that *vide* Letter No. 1176 dated 24.05.2025, benefit of 1st and 2nd MACP has been sanctioned to the petitioner. It has also been submitted that so far as benefit of 3rd MACP is concerned, it will be sent firstly to the Screening Committee and on it's recommendation, appropriate order will



be passed by the competent authority.

4. As such, in the light of the pleadings made in the counter affidavit, counsel for the petitioner is satisfied.

5. In this background, this writ petition stands disposed off directing the respondent authority to take a decision with regard to the petitioner’s 3rd MACP within three months from the date of production of a copy of this order, as the same has been accepted by the State in the counter affidavit.

(Dr. Anshuman, J)

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