

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9225 of 2022

1. Binaya Nand Pathak son of Late Akhila Nand Pathak, Resident of Mohalla-Balkishunganj, Post-Gulzarbagh, PS-Alamganj, District-Patna-800007 (Bihar).
2. Nilam Kumari Wife of Sri Abhinandan Kumar Suman, Resident of 204, Sarswati Niketan, Kidwaipuri, Post-Kidwaipuri, PS-Budhacolony, District-Patna-800001 (Bihar).
3. Abhay Kumar son of Late Baidyanath Prasad, Resident of Baidyanath Niketan, Near Shiv Mandir, New Jakkanpur, PS-Gardanibagh, District-Patna-800001 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Old Secretariate, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Old Secretariate, Patna.
4. The Director General of Police, Bihar, Sardar Patel Bhawan, Patna-800023.
5. The Inspector General of Police (Head-Quarter), Bihar, Sardar Patel Bhawan, Patna-800023.
6. The Senior Superintendent of Police, Patna (Bihar).
7. The Superintendent of Police (D), Crime Investigation Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Munna Pd. Dixit, Advocate Mr. S. K. Dixit, Advocate Mr. S. K. Chaubey, Advocate Mr. Punit Ranjan Dixit, Advocate Mr. Milind Raj Dixit, Advocate
For the Respondent/s	:	Mr. Md. N.H. Khan (SC1) Md. Harun Quareshi, AC to SC-9

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 31-01-2026 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The petitioners have filed the present writ petition



with the following relief/s :-

“(i) For issuance of Writ in the nature of Mandamus commanding the respondents to grant the same benefit of seniority with effect from 04.08.1989 in favour of Petitioners also to the post of Sub-Inspector of Police conducted through Bihar Rajya Avar Seva Chayan Parshad, Bihar, Patna against same Employment Notice No.04/1985 by extending the benefit of the Order passed by this Hon'ble Court on 16.07.1990 in C.W.J.C. No.9841 of 1989 [Ajay Kumar Singh V/s The State of Bihar & Others] implemented by the respondents vide order dated 07.02.2013 & 2 as contained in Annexure-1 respectively without any further delay.

(ii) For issuance of an appropriate writ(s) /order(s) / direction(s) in the nature of Mandamus commanding the Respondents to grant all consequential/financial benefits including ACP/MACP and revision of the entire pensionary benefits with arrears in favour of the Petitioners from the date, the said similarly situated person Sri Ajay Kumar Singh has been granted vide order dated 07.02.2013 as contained in Annexure-2.

iii. For further issuance of an appropriate writ(s) / order(s) / direction(s) in the nature of Mandamus commanding the Respondents to appropriate relief(s) any grant for other which the Petitioners may be entitled to be granted.”

4. Learned counsel for the State has raised a preliminary objection and submits that for grant of A.C.P./M.A.C.P. to a Government employee, the State has already framed a statutory rule, namely, the *Bihar Government Servant Grievances Redressal Rules, 2019*, under which the petitioners are required to file a complaint before the competent authority. It is further submitted that the said authority shall consider every aspect of the grievance raised by the petitioners,



including issues relating to promotion and A.C.P./M.A.C.P., as contemplated under Rule 2(c)(iv) of the said Rules, 2019.

5. From the pleadings on record, it transpires that the petitioners have placed reliance upon the judgment passed by a learned Single Judge as well as by the Hon'ble Full Bench of this Court in **Amresh Kumar Singh vs. The State of Bihar & Ors.**, reported in **2018(2) PLJR 929**.

6. In view of the above, the petitioners are directed to file a complaint before the concerned competent authority under the *Bihar Government Servant Grievances Redressal Rules, 2019* within a period of 30 days from today. The competent authority shall decide the same strictly in accordance with law and within the time frame prescribed under the said Rules, 2019.

7. After passing of the aforesaid order, learned counsel for the petitioners submits that the petitioners have already filed a representation under the Rules, 2019 before the concerned authority, as contained in Annexure-3.

8. If that be so, the petitioners shall be at liberty to pursue the said representation before the appropriate forum in accordance with the provisions of the *Bihar Government Servant Grievances Redressal Rules, 2019*. The concerned authority shall first decide the issue of maintainability before the



original or appellate forum, as the case may be, and thereafter decide the matter on merits within the time prescribed under the said Rules, 2019, after considering all documents annexed with the complaint.

9. Accordingly, with the aforesaid directions, the present writ petition stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

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