

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8667 of 2024

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Harinath Pandey son of Kapildeo Sharma, presently residing at Rajendra Nagar, Dharahara, P.S.- Nagar Thana, Arrah, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Finance Department, Bihar, Patna.
3. The Secretary (Expenditure) , Finance Department, Bihar, Patna.
4. The District Magistrate, Bhojpur at Arrah.
5. The Senior Treasury Officer, Bhojpur, Arrah.
6. The District Land Acquisition Officer, Bhojpur.
7. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Lal Mani Sharma, Advocate
For the State	:	Mr. Standing Counsel (4)
For the A.G., Bihar	:	Dr. Anand Kumar, Advocate
		Ms. Vijeta Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Accountant General, Bihar, Patna.

2. The present writ petition has been filed for the following reliefs:-

(i) For issuance of a writ in the nature of Certiorari for quashing of the order contained in Memo no. 46 dated 1-2-2022 (Anx.- P/2) passed by the Screening Committee headed by the District



Magistrate, Bhojpur, Arrah by which the petitioner has been denied the benefits of the 3rd M. A. C. P.

(ii) For issuance of a writ, order or direction directing and commanding the respondents to give/grant the petitioner the 3rd M. A. C. P. with retrospective effect by counting the service of the petitioner w.e.f. 11-2-1979 after quashing of the aforesaid order contained in Memo no. 46 dated 1-2-2022 (Anx.-P/2).

(iii) For issuance of an appropriate writ directing and commanding the respondents to give the petitioner all consequential benefits including payment of the arrear of difference of salary after granting the petitioner the 3rd M. A. C. P.

(iv) For issuance of a writ, order or direction directing and commanding the respondents to revise the retirement benefits of the petitioner and to pay the petitioner the difference of the amount of the retirement benefits of the petitioner after granting the petitioner the 3rd M. A. C. P. with retrospective effect as well as after revising the retirement benefits of the petitioner upon grant of 3rd M. A. C. P. to the petitioner.

(v) For any other relief/reliefs of which the petitioner is legally entitled to.



3. Learned counsel for the petitioner submits that the petitioner's case is squarely covered by the case of ***Samiran Bakshi & Ors. vs. The State of Bihar & Ors.***, decided on 11.07.2024 in CWJC No. 10192 of 2024. Counsel further submits that the petitioner has filed his representation, which is pending before the Secretary (Expenditure), Finance Department, Bihar, Patna. (respondent No. 3).

4. Learned counsel for the State, on the other hand, submits that in the said representation, there is no mention of the case on which the petitioner is relying, namely, *Samiran Bakshi (Supra)*.

5. In view of the above, this Court, without entering into the merits or demerits of the case, directs the Secretary (Expenditure), Finance Department, Bihar, Patna (respondent No. 3), to decide the petitioner's representation and, if it is found that the petitioner's case is squarely covered by the case of *Samiran Bakshi (supra)*, as well as after considering Clause 4.C of the Bihar State Litigation Policy, 2011 framed by the State Government, he shall take a decision accordingly.

6. It is made clear that the petitioner shall file his supplementary representation along with the order passed by this Court within 30 days from the date of passing of this order,



and the concerned Authority shall pass an order within 90 days
from the date of receipt of the supplementary representation.

(Dr. Anshuman, J.)

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