

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8830 of 2026

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1. Krishna Thakur Son of Late Satyanarayan Thakur, residence of Village-Poghiya, P.S.-Lalganj, District-Vaishali.
 2. Babu Jaan Miyan, Son of late Bhutti Miyan, Rresident of Village- Dudahi, P.S.- Harsiddhi, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Vikash Bhawan, Baily Road, Patna.
2. The Director, Secondary, Education Department, Government of Bihar, Vikash Bhawan, Baily Road, Patna.
3. Regional Deputy Director of Education, Education Department, Saran Division, Chapra.
4. District Education Officer, Saran (Chapra).
5. District Programme Officer (Education), Saran (Chapra).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kishore Kumar Thakur, Adv. Mr. Braj Kishore Singh, Adv. Mr. Amit Kumar, Adv.
For the State	:	Mr. Standing Counsel (20) Mr. Mahtab Alam, A.C. to S.C. 20

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 08-07-2026 Heard learned counsel for the petitioners and

learned counsel for the respondent-State.

2. With the consent of both the parties, this writ application is being disposed of at this stage itself.

3. In the present writ application, the petitioners have prayed for the grant of following reliefs:

“(I) For a direction to the respondents to grant 1st and 2nd Assured Career Progression (ACP for short) as well as Modified Assured



Career Progression (MACP for short) to the petitioner with effect from 09.08.1999, 01.01.2009 and other due dates by counting their entire earlier period of service spent in their earlier organisation namely Directorate of Adult and Non-Formal Education of the Education Department of the respondent state, in terms with provision contained in Rule 22 of MACP Rules 2010, reiterated by the amendment of said MACP Rules 2010, by circulation of notification no.10543 dated 06.10.2025 issued by the Finance department of the respondent State.

II. Further prayer in the present writ application is for a direction to the respondents to re-fix the pension and other retiral benefits payable to the petitioners after allowing the higher payscale as a result of grant of such benefit of ACP/MACP to them.

III. Further prayer is for a direction to the respondents to make payment of arrears of salary to the petitioners in the higher payscale which may be found payable to them on grant of 1st, 2nd and 3rd ACP/MACP from due dates of 09.08.1999, 01.01.2009 and other due dates by counting their earlier period of service.”

4. It is submitted by learned counsel for the petitioners that earlier the matter relating to Modified Assured Career Progression for Bihar State Employees was governed by the “Bihar State Employees Service Conditions (Modified Assured Career Progression Scheme), 2010”. The said ‘2010 Rules’ has been repealed by “Bihar State Employees Service Conditions (Modified Assured Career Progression Scheme), Rules, 2025”, which has come into force with effect from 01.01.2009. Thus, as



per the petitioners, now the relief which has been claimed by the petitioners, would be governed by this 'Rule of 2025'.

5. Learned counsel for the petitioners further submits that for seeking the aforesaid reliefs, which have been claimed by the petitioners in the present writ application, the petitioners have already filed a representation dated 08.08.2023 which has been forwarded through the Principal of the School to the Regional Deputy Director of Education, Education Department, Saran Division, Chapra (respondent no. 3) and the same continues to be pending. He therefore submits that the petitioners would be satisfied if the Regional Deputy Director of Education, Education Department, Saran Division, Chapra (respondent no. 3) could be directed to dispose of their pending representation in light of "Bihar State Employees Service Conditions (Modified Assured Career Progression Scheme) Rules, 2025" which is in effect from 01.01.2009.

6. To the aforesaid submission made by learned counsel for the petitioners, learned counsel appearing for the respondent-State does not have any objection.

7. Considering the limited nature of prayer being made by learned counsel for the petitioners, this writ application is disposed of directing the Regional Deputy Director of



Education, Education Department, Saran Division, Chapra (respondent no. 3) to dispose of the pending representation of the petitioners dated 08.08.2023 (Annexure-P/11) in light of “Bihar State Employees Service Conditions (Modified Assured Career Progression Scheme) Rules, 2025”, particularly taking notice of Rule 9 of the said Rule, within four months from the date of receipt / production of a copy of this order, after giving an opportunity of hearing to the petitioners.

8. It is made clear that in case, the petitioners are found entitled to the relief, which the petitioners have claimed through the representation, the same should be extended to the petitioners within a further period of six weeks from the date of disposal of the representation.

9. With the aforesaid observation and direction, this writ application is disposed of. All pending interlocutory application(s), if any, shall also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

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