IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2845 of 2021

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Ramdeo Paswan Son of Late Bhattu Paswan, Resident of Mohalla Raja Kuan P.O. and P.S. Biharsharif, District Nalanda at Biharsharif.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate cum Collector, District Collectorate, Nalanda at Biharsharif.
4. The Deputy Collector (Establishment) District Collectorate, Nalanda at Biharsharif.
5. The Block Development Officer, Harnaut District Nalanda at Biharsharif.
6. The Accountant General (A and E), Bihar, Beerchand Patel Path, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kumar, Adv.
For the Respondent/s	:	Mr. Harsh Anuj, Adv.
For the A.G. Bihar	:	Mr. Ram Kinkar Choubey, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 23-07-2026

Heard learned Advocate for the petitioner as well as learned Advocate for the State and the Accountant General.

2. The petitioner has invoked the prerogative writ jurisdiction of this Court seeking a direction upon the respondents to grant all the admissible monetary benefits, in view of the rules prescribed under the ACP Rules 2003 and the modified MACP Rules 2010.

3. Learned Advocate for the petitioner submitted that despite the petitioner having been superannuated long back in

the year 2013 from the post of Upper Division Clerk, he has not been extended the benefit under the ACP/MACP; only on account of the fact that there is no whisper in the service book that the petitioner has successfully cleared first paper of Accounts examination, which is mandatory to extend the benefit of ACP/MACP.

4. During the pendency of the writ petition, the respondent State has also come up with an order dated 04.08.2021 issued vide Memo No. 899, whereby, the claim of the petitioner for grant of ACP/MACP negated on the reasons aforestated. The aforesaid order to the extent whereby the claim of the petitioner has been negated is also challenged by filing an Interlocutory Application bearing No. 01 of 2021.

5. Assailing the impugned order, learned Advocate for the petitioner vehemently contended that now the issue with regard to grant of benefit of ACP in absence of passing of Accounts examination stood settled by a learned Full Bench of this Court in the case of ***Kamlanand Thakur Vs. State of Bihar & Ors., (2025) 2 PLJR 623***, wherein, the learned Full Bench in no uncertain terms has been pleased to hold as follows:-

> *"48. Thus, the questions stand answered as follows:*
>
> *(A.) Rule 157(3)[J] of the Bihar Board's Miscellaneous Rules,*

1958, requiring passing of Departmentali Accounts Examination for promotion, is not 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.R. 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.R. 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. Referring thereto, it is further contended that now the stand of the State that the petitioner has not passed the Accounts examination or there is any whisper with regard to the same in the service record is no more survived. In the light of the order passed by the learned Full Bench, the petitioner has also filed a detailed representation on 07.05.2025 and 05.12.2025, the copy of which is also placed on record.

7. On the other hand, learned Advocate for the respondents submitted that since the petitioner had already filed a representation in the light of the learned Full Bench decision of this Court, the same would be considered and disposed off, in accordance with law.

8. After careful consideration of the submissions advanced and the materials available on record especially the mandate of the learned Full Bench of this Court in the case of ***Kamlanand Thakur*** (supra), besides the letter issued by the Finance Department, Government of Bihar, in compliance with the aforesaid decision as contained in Letter No. 4862 dated 29.04.2025, this Court finds substance in the submission of learned Advocate for the petitioner.

9. It need not require any further clarification that for extending benefit of ACP/MACP, passing of the Accounts examination is not *Sine Qua Non* and, as such, the objection raised by the State respondents is wholly unsustainable.

10. Accordingly, the impugned order containing Memo No. 899 dated 04.08.2021 to the extent, whereby the claim of the petitioner stood turned down, stands set aside. The respondent no. 03 is directed to consider the claim of the petitioner for grant of ACP/MACP, preferably within a period of eight weeks from the date of receipt/production of the copy of this order and pass necessary order in the light of the observations made hereinabove.

11. It is made clear that if the claim of the petitioner finds favour, necessary consequential order shall be passed within the period stipulated hereinabove.

12. The writ petition stands allowed.

(Harish Kumar, J)

sumit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.07.2026
Transmission Date	NA