

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case no.1716 of 2017

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Sachidanand Paswan Son of Late Hari Lal Paswan, Resident of village .
Bajrangbali Nagar, P.S. Nayaram Nagar, District . Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director Administration Jail Directorate Department of Home, Bihar
3. The I.G. Prison, Government of Bihar, Patna
4. The Superintendent Sahid Jubba Sahani, Central Jail, Bhagalpur
5. The Superintendent District Jail, Banka

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vasant Vikash, Advocate

Mr.Sri Krishna Ranjan

For the Respondent/s : Mr. Saroj Kumar Sharma, AC to AAG 3

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 12.01.2026 1. Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for
the following reliefs.

*“1. That the present writ petition is being filed
for quashing the order with respect to the
petitioner passed by the departmental Screening
Committee for granting first and second Assure
Career Progression (ACP) whereby and
whereunder the claim of Petitioner has been
rejected on the ground that the Petitioner was
not passed the departmental account
examination without considering the Resolution
issued vide notification No. 4685 F(2) dated*



25.06.2003 issued by the Finance department and Letter No. 4674 dated 15.05.1992 issued by the Government and the said order communicated vide memo 4542 no. was dated 04.08.2015 (Annexure-8) and for directing the concerned authority to grant the benefit of first and second A.C.P. in view of similarly situated other employees have been paid the same and for the other necessary relief/reliefs on the basis of facts and circumstances as enumerated hereinafter.”

3. Bereft of unnecessary details, it is the case of the petitioner that he was appointed as a Jail Warden and posted at Central Jail, Bhagalpur since 14.8.1975. It is submitted that inspite of the Finance Department issuing guidelines for grant of benefit of 1st and 2nd ACP under the ACP Scheme in the year 2003 and MACP Scheme in the year 2010, the petitioner was not given the benefits inspite of his representations before the respondent authorities. The claim of the petitioner finally came to be rejected by the Departmental Screening Committee on 31.7.2015 on the ground that the petitioner had not passed the Departmental Accounts Examination.

4. It is submitted by the learned counsel for the petitioner that the issue as to whether passing of the Departmental Accounts Examination is necessary for grant of



ACP benefits came to be decided in the case of **Kamlanand Thakur versus State of Bihar & Ors. (FB); 2025 (2) PLJR 623**. The impugned order being in teeth of the said Full Bench judgment, it is submitted that the same be set aside and the application be allowed.

5. Though the prayer made in the instant application is opposed by the learned counsel for the State of Bihar in reference to the statement made in the counter affidavit, however, it is not contested that the issue is now been decided by the aforesaid judgment of this Court.

6. Heard learned counsel for the parties and perused the material on record.

7. The question as to whether a person was required to pass the Departmental Accounts Examination for grant of ACP benefits under the ACP Rules, 2003 came for consideration before this Court in the case of Kamlanand Thakur, wherein this Court decided 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 Departmental 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.P. 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.P. after completion of twelve/twenty four years of 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."

8. This Court having held that the passing of the Departmental Accounts Examination as required under the Bihar Board's Miscellaneous Rules, 1958 was not applicable so



far as grant of ACP benefits under the ACP Rules, 2003 are concerned, in the opinion of the Court, the petitioner has made out a case for grant of relief.

9. In view of the above, the decision of the Departmental Screening Committee taken in its meeting held on 31.7.2015 so far as it relates to denying the petitioner the benefits under the ACP Scheme on account of his not having passed the Departmental Accounts Examination is set aside.

10. The writ application is allowed.

11. The respondents are directed to grant the ACP benefits to the petitioner within a period of 3 months from the date of receipt/production of a copy of this order.

(Partha Sarthy, J)

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