

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.221 of 2022**

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Shiv Badan Prasad S/o- Late Bharat Prasad Singh R/o- Village- Sarangpur,  
P.S.- Ara Mofassil, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Personnel and Administrative Reform, Government of Bihar, Patna.
2. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The District Magistrate, Bhojpur at Ara.
5. The District Account Officer, Bhojpur at Ara.

... .. Respondent/s

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**Appearance :**

|                      |   |                                |
|----------------------|---|--------------------------------|
| For the Petitioner/s | : | Mr. Amarendra Kumar, Adv.      |
| For the Respondent/s | : | Mr. Nadim Seraj, GP-5          |
|                      |   | Mr. Shailesh Kumar, AC to GP-5 |

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**

**Date : 15-06-2026**

Heard Mr. Amrendra Kumar, learned Advocate for the petitioner and Mr. Sailesh Kumar, learned AC to GP-5.

2. The petitioner by invoking the prerogative writ jurisdiction of this Court has sought a direction commanding upon the respondents to provide Pay Scale of PB-2 with Grade Pay of Rs. 4200/- under the MACP Rule, 2010 on completion of ten years of his continuous service. The petitioner is also aggrieved with Letter No. 9025 dated 26.09.2014 issued under the signature of Special Secretary, Department of Finance, Government of Bihar and further seeking quashing of the



consequential Order No. 134/2020-21 contained in Memo No. 123 dated 03.02.2021, as also the Order No. 101/2021-22 contained in Memo No. 985 dated 23.08.2021, issued by the respondent District Magistrate, Bhojpur at Ara to the extent it affect the petitioner, whereby his pay scale has been reduced in the pay scale of PB-1 and Grade Pay of Rs. 2800/-.

3. Learned Advocate for the petitioner, at the outset, submits that in compliance with the order of this Court dated 02.04.2026, an additional counter affidavit has been filed on behalf of respondent no. 4 and from the averments made therein and the order passed by the District Magistrate, Bhojpur at Ara as contained in Memo No. 542 dated 17.04.2026, the substantive grievances of the petitioner has been redressed. However, he submitted with all his vehemence that the decision with regard to recovery of excess payment has not been annulled till date. So far the benefits of second MACP is concerned, it is further submitted by the answering respondent that in the month of June, 2026; the District Establishment Committee meeting is scheduled and in the said meeting, if the petitioner is found eligible for such benefit, he will be granted thereafter.

4. Learned Advocate for the State fairly submitted that



the case of the petitioner was duly considered in the light of the Full Bench decision of this court in the case of ***Kamlanand Thakur Vs. The State of Bihar & Ors.***, reported in **2025 (2) PLJR 623** and in the light of the aforesaid decision, the Finance Department vide its Letter No. 4862 dated 29.04.2025 has considered the case of the petitioner and found entitled for first ACP with effect from 06.08.2009, the date on which he completed twelve years of service from his initial joining. Since the petitioner has already been extended the benefit of first ACP in Pay Scale of 5000-8000 (old) with effect from 06.08.2009, the grievances of the petitioner stands redressed.

5. Having considered the submissions advanced by learned Advocates for the respective parties and taking note of the averments made in the additional counter affidavit filed on behalf of respondent no. 4, especially paragraph nos. 12 to 15 thereof, this Court finds that the substantive grievances of the petitioner has been already redressed. So far as second MACP is concerned, the same shall be considered in the next meeting of the District Establishment Committee.

6. Suffice it to observe that if the petitioner is found eligible for the benefit of second MACP, the same shall be accorded to him without any delay. So far the contention of the



petitioner with regard to the recovery of the alleged excess amount is concerned, the petitioner shall be at liberty to file a fresh application along with the documents/rulings in support of his claim before the District Magistrate, Bhojpur at Ara; in view of the changed circumstances.

7. In case such an application is filed within a period of four weeks from today, the same shall be considered and disposed of by the respondent no. 4 within a further period of six weeks by a reasoned and speaking order.

8. Accordingly, the writ petition stands disposed off.

**(Harish Kumar, J)**

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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