

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17847 of 2025

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Jagdish Prasad @ Jagdish Prasad Singh Son of Late Lal Bihari Singh
Resident of Mohalla- Rama Devi Vila, Flat No.- 102, Road No.- 6, Indrapuri,
P.O.- Keshri Nagar, P.S.- Rajiv Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Director, Health Services (Filaria Control), Government of Bihar, Patna.
4. The Additional Director- cum- State Programme Officer, Health Services (Filaria Control), Bihar.
5. The Deputy Director, Health Services (Filaria Control), Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Prakash, Advocate
For the Respondent/s : Mr. Advocate General

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 07-04-2026

Heard learned counsel for the petitioner and learned
counsel for the State.

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

*“(i) For issuance of order(s),
direction(s) or writ in the nature of
certiorari to quash the order dated
24.11.2022 passed by Additional Director-
cum-State Programme Officer, Health
Service (Filaria Control) Bihar, Patna
whereby and where under the claim of the*



petitioner regarding grant of ACP has been rejected on the ground that he was not filed any application subject to exemption from the departmental exam during the service period or before 27.06.2018 and 08.08.2018.

(ii) For issuance of order(s), direction(s) or writ in the nature of mandamus to direct the respondent authorities to grant the benefit of 2nd ACP and 3rd ACP from the respective dates to the petitioner and to release the consequential financial benefits along with statutory as well as penal interest from the due date of its payment to the date of its actual release.

(iii) For any other relief(s) for which the petitioner is entitled.”

3. Learned counsel for the petitioner submits that the petitioner had earlier moved before this Court in CWJC No. 1210 of 2019, which was disposed of vide judgment dated 21.01.2019, wherein he was directed to file a fresh representation within a period of three weeks seeking an order for release of the arrears of the salary of the petitioner for the period of his suspension from 15.05.2012 to 12.09.2013.

4. Counsel further submits that the petitioner, being aggrieved by the order passed in CWJC No. 1210 of 2019, preferred Letters Patent Appeal No. 309 of 2019, which was



heard and disposed of vide judgment dated 19.02.2021 passed by the Hon'ble Division Bench of this Court. The Hon'ble Division Bench partially modified the order passed by the Hon'ble Single Judge, directing that the appellant shall file a detailed representation before the competent authority for grant of ACP.

5. Counsel further submits that thereafter the petitioner preferred a representation for grant of ACP, but the respondent authorities, vide order dated 24.11.2022, rejected the claim of the petitioner for grant of ACP solely on the ground that the petitioner had neither passed the accounts examination during his service period nor filed any application for exemption from the departmental examination, and he retired on 31.03.2014.

6. Counsel further submits that the petitioner has already agitated the matter in the writ petition as well as in the LPA, therefore, the contention of the State is illegal and not sustainable. Counsel further submits that the order dated 24.11.2022 (Annexure R-4) be quashed and a direction be issued for payment of ACP.

7. Learned counsel for the State, on the other hand, submits that the reasons for rejection of ACP have already been



well explained in the impugned letter dated 24.11.2022. Counsel further submits that it has been categorically indicated that the petitioner has neither passed the accounts examination during his tenure of service nor filed any application for exemption from the departmental examination during his service period.

8. It has also been contended that, in the impugned order, it is stated that the petitioner retired on 31.03.2014 and filed an application for exemption only after his retirement, i.e., on 27.06.2018 & 08.08.2018. Therefore, the petitioner is not entitled to any relief in light of Notification No. 3127 dated 06.03.2018.

9. Counsel further submits that the submission made by the petitioner that he had earlier moved before this Hon'ble Court is also not correct, as the petitioner approached this Court five years after his retirement vide CWJC No. 1210 of 2019 and subsequently in LPA No. 309 of 2019, but during the said period he was not in service.

10. Counsel further submits that the observations made in the LPA are necessary for deciding the present case. It is further submitted that though liberty to file a representation has been granted, a condition has also been added that if the competent authority finds that the appellant is entitled to the



benefit of ACP, the same may be granted within three months from the date of filing of such representation, and if the competent authority finds that the appellant is not entitled to grant of ACP, the same may be rejected by a reasoned and speaking order within the said period.

11. It has also been observed that non-grant of ACP is a continuing wrong resulting in lower salary/pension, as such, the claim of the appellant will not be hit by delay and laches.

12. Here, in the present case, after going through the impugned order, this Court is of the view that the claim of the petitioner has not been rejected on the ground of delay and laches, rather, it has been rejected on the ground that the conditions of Notification No. 3127 dated 06.03.2018 have not been fulfilled. It is due to the reason that the petitioner failed to fulfill such conditions, this Court is not inclined to grant any relief to the petitioner.

13. Accordingly, the present writ petition is hereby dismissed.

(Dr. Anshuman, J.)

Aman Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.04.2026
Transmission Date	NA

