

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.273 of 2026

Pranwesh Singh Son of Late Bipin Bihari Singh, Resident of Mohalla-Krishna Toli, Road No.- 03, Brahmpura, P.S.- Brahmpura, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The Additional Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. The Joint Secretary, Public Health Engineering Department, Government of Bihar, Patna.
4. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Government of Bihar, Patna.
5. The Joint Secretary (Management Cell), Public Health Engineering Department, Government of Bihar, Patna.
6. The Officer on Special Duty, Public Health Engineering Department, Government of Bihar, Patna.
7. The Service Grievance Redressal Officer, Department of Public Health Engineering Department, Bihar, Patna.
8. The Secretary, Bihar Public Service Commission, Bailey Road, Patna.
9. The Accountant General (A and E), Bihar, Patna.
10. Sri Prasun Kumar, Son of not known, category seniority serial no. 79 in the seniority list, the Superintending Engineer, P.H.E.D., through the Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Government of Bihar, Patna.
11. Sri Manoj Manohar, Son of not known Category seniority serial no. 86 in the seniority list, the Superintending Engineer, P.H.E.D., through the Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Government of Bihar, Patna.
12. Sri Santosh Kumar, Son of not known Category seniority serial no. 87 in the seniority list, the Superintending Engineer, P.H.E.D., through the Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Indu Bhushan, Advocate
For the State	:	Mr. Kumar Mangalam (A.C. to SC-24)
For the B.P.S.C.	:	Mr. Sanjay Pandey, Advocate
		Mr. Nishant Kumar Jha, Advocate
		Mr. Prabhakar Pahepuri, Advocate
For the AG	:	Mr. Dr. Anand Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT



Date : 14-05-2026

Heard learned counsel for the petitioner, learned counsel for the State, learned counsel for the Bihar Public Service Commission (B.P.S.C.) and learned counsel for the Accountant General, Bihar, Patna.

2. The present writ petition has been filed for the following relief/s:-

"I. That this writ application is directed for issuance of an appropriate writ in the nature of certiorari for quashing the impugned order bearing Registration No. 8110107072513744 dated 25.11.2025 passed by Respondent no.7, whereby and where under the genuine grievance which has been to pay the benefit of ACP/MACP and promotion to the post of Superintending Engineer in the Department of Public Health Engineering, Bihar, Patna has been denied in violation of principle of Natural Justice and ignoring all the relevant facts, grounds and judgment of this Hon'ble Court and passed the order that "since Singh remained suspended even on the date of completion of eligibility for the second M.A.C.P, the benefit of second M.A.C.P. were kept pending as per the provisions contained in Department of Personnel & Administrative Reforms (Currently the General Administration Department's Resolution No.



7457 dated 11.09.2002 and Resolution No. 1607 dated 25.03.2008). In the light of advice of General Administration Department, in the meeting of Departmental Screening Committee held on 10.09.2025 by the Department, the approval of the benefit of second M.A.C.P. was not considered due to Economic Offence Unit Police Station Case No. 39 of 2013 dated 03.09.2013 bearing registered and the sanction of prosecution by the law department's order No.3 dated 03.01.2024 and the submission of the Charge Sheet in the Hon'ble Vigilance Court, Patna. There is no provision for giving charge of higher post with retrospective effect in the notification No.1903 dated 13.10.2023 of the General Administration Department, Bihar, Patna. Further, in view of the provision contained in Clause 6(k) of the Notification in question, "such public servants against whom departmental proceeding/criminal proceedings are pending or any punishment is in force, shall not be eligible to hold charge of the higher post under this arrangement", giving then temporary officiating charge of their higher post does not appear to be feasible. Accordingly, this action is dropped, without considering the representation dated 08.07.2025 with enclosures (contained in Annexure- P/17) given in the light of order



dated 03.07.2025 passed in CWJC No.10207 of 2025 passed by this Hon'ble Court and thereafter for issuance of a direction to the responsible respondents to pay the benefit of A.C.P./M.A.C.P. and promotion to the post of Superintending Engineer in the department of Public Health and for a direction to pay the benefit of ACP/MACP and promotion to the post of superintending Engineer in the department of Public Health Department, Bihar, Patna considering the representation dated 02.02.2024, 06.03.2024, 26.07.2024, 14.09.2024, 02.02.2025 & 23.03.2025 because the petitioner joined his service on 14.06.1997 on the post of Assistant Engineer and later on he was given promotion to the post of Executive Engineer on 05.07.2011 and the petitioner has superannuated on 31.01.2025, but the petitioner has not given benefit of A.C.P./M.A.C.P. as yet even after retirement, whereas, after completion of 12 years from the date of initial appointment, the petitioner was entitled to get the benefit of first ACP on 21.05.2009 and second M.A.C.P. on 21.05.2017, and the Executive Engineers those were equivalent to the petitioner and juniors to the petitioner like Sri Prasun Kumar, whose category seniority serial no. is 79 in seniority list, Sri Manoj Manohar whose category seniority serial no. is 86 in seniority list and



Sri Santosh Kumar, whose category seniority serial no. is 87 in seniority list have been given benefit of ACP/MACP and promotion to the post of Superintending Engineer, whereas, the category seniority serial number of the petitioner is 78 in the seniority list, but the petitioner has been left to suffer in arbitrary manner and neither the benefit of ACP/MACP and promotion to the post of Superintending Engineer has been given to the petitioner like others respondent nos. 10 to 12.”

3. Learned counsel for the petitioner submits that the petitioner has filed his complaint under the Bihar Government Servant Grievance Redressal Rules, 2019 (hereinafter referred to as ‘Rules of 2019’) in which, final decision has come on 25.11.2025 by which his complaint was not considered and claim was rejected. Thereafter, the petitioner has filed the present writ petition before this Hon’ble Court with a prayer to set aside the said order dated 25.11.2025 bearing Complaint Registration No. 8110107072513744 contained in Memo No. 811-00162 (annexed as Annexure-P/22).

4. Learned counsel for the State raised preliminary objection and submits that Rule 8 of the said Rules of 2019 indicates that there is a provision of appeal by the aggrieved person before the Appellate Authority within 30 days. Therefore,



the petitioner ought to file appeal and not come directly before this Hon’ble Court against the order of Service Grievance Redressal Officer.

5. In response thereof, learned counsel for the petitioner submits that due to inadvertent advice, the petitioner has preferred the present writ petition. As such, he seeks liberty to prefer appeal before the appropriate forum under Rule 8 of the said Rules of 2019.

6. As such, this writ petition stands disposed off with liberty to the petitioner to prefer appeal before the Appellate Authority within 30 days, against the order of the Service Grievance Redressal Officer dated 25.11.2025.

7. Delay if any in filing the appeal is hereby directed to be condoned. It is also directed to the Appellate Authority to take decision on the petitioner’s appeal with regard to his grievance, within 90 days from the date of production of a copy of this order.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	15/05/2026
Transmission Date	NA

