IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.920 of 2026

CNR No. BRHC011348542025

==========

Ajay Kumar Sinha S/o Late Yamuna Prasad, Resident of Mohalla- Kayasthya Tola Chitragupta Nagar, Ward No. 29, P.S.- Shaharsa, District- Shaharsha.

... ... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar.
2. The Additional Chief Secretary, Home Department, Government of Bihar.
3. The Director General of Police, Bihar, Patna.
4. The Inspector General of Police, Koshi Range.
5. The Deputy Inspector General of Police, Koshi.
6. The Superintendent of Police, Madhepura.
7. The Accountant General, Birchand Patel Path, Bihar, Patna.

... ... Respondent/s

==========

Appearance :
For the Petitioner/s : Mr. Hitesh Suman, Adv.
For the Respondent/s : Mr. DK Verma, Government Pleader (14)

==========

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY

ORAL ORDER

3 05-11-2026 Heard the learned counsel for the parties.

The present writ petition has been filed for the following relief(s):-

> *"I) Issuance of a writ/writs, order/ orders in the nature of Certiorari to quash letter number 2120 dated 03-09-2025, (Annexure-7) which states that the petitioner is ineligible for the grant of benefit ACP/MACP on the ground that he did not pass in account examination and Computer proficiency examination.*
>
> *II) Issuance of writ/writs, order/orders in the nature of Mandamus, directing the respondents to grant the benefit of 2nd and 3rd ACP/MACP to the petitioner in accordance with the provisions of the MACP scheme 2010, as the petitioner has completed more than 30 years of*

WEB COPY

service. Similarly situated employees of the Bihar State Police Department have received these benefits based on the decision of this Hon'ble Court in C. W.J.C. No. 18727 of 2017 (Kamlanand Thakur versus State of Bihar and others).

III) Issuance of writs, orders, or directions in the nature of the Mandamus, instructing the respondents to consider petitioner's eligibility for the grant of second and third ACP/MACP, notwithstanding the non-passing of the accounts examination and consequently pay the benefits of such revision. This request is based on the fact that ACP and MACP benefits have been provided to other employees in similar positions within the police department, following the decision of the Hon'ble court in Kamlanand Thakur versus State of Bihar and also the case of Nagnarayan Singh Vs State of Bihar (CWJC no 12280 of 2024). The petitioner has completed 42 years of service and meets the criteria for receiving the second and third ACP benefits, according to the referenced decisions.

IV) Issuance of writ(s) or order(s) in the nature of mandamus, directing the respondents to pay the arrears of salary as well as arrears of pension, gratuity, and other retirement benefits, after revising and granting benefits of 2nd and 3rd ACP/MACP in accordance with the Second and Third ACP/MACP provisions and above mentioned decision of this Hon'ble Court.

V) Any other relief or reliefs that the petitioners may be entitled to based on the facts and circumstances of the present case."

3. A Full Bench of this Hon'ble Court in CWJC No. 18727 of 2017 along with other analogous cases vide order dated 28.06.2024 under similar circumstances has held as under;

"47. The effect of scheme, the Supreme Court went on, must be judged keeping in view the object and purport of the scheme. In that context, it was further held that the fulfillment of educational

WEB COPY

qualifications prescribed under the Recruitment Rules for the purposes of promotion are not necessary for non-functional in situ promotion like grant of ACP.

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 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."

4. Having regard to the law laid down by a Full Bench of this Hon'ble Court in the above mentioned case, the issue involved in the present writ petition is no longer *res integra*.

WEB COPY

5. The stand of the authorities that the ACP/ MACP has been denied to the petitioner on the ground that the petitioner has not passed the audit examination and computer competency test and due to non-receipt of the ACR (Annual Confidential Report) does not stand the legal scrutiny.

6. Having regard to the same, the impugned order dated 03.09.2025 is set aside. The authorities are directed to calculate the ACP/ MACP and grant the same to the petitioner as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

Ayush/-

U			

WEB COPY