

(2019) 09 PAT CK 0115

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No 14736 Of 2014

Krishna Roy

APPELLANT

Vs

State Of Bihar Through The Principal Secretary And Ors

RESPONDENT

Date of Decision : 17-09-2019

Acts Referred:

Citation : (2019) 09 PAT CK 0115

Hon'ble Judges : Madhuresh Prasad, J

Bench : Single Bench

Advocate : Suraj Narain Yadav, Puja Shree, Annu Shree, Ajay Behari Sinha, Suryakant Kumar

Final Decision : Allowed

Judgement

1. Heard learned counsel for the petitioner and the respondent-State.
2. The short submission advanced by the petitioner's counsel is that the requirement of passing Departmental Accounts Examination cannot be imposed as there is no next level post available for promotion to the petitioner. In the circumstances, it is submitted that the benefits of Assured Career Progression (for brevity, ACP) should be extended to the petitioner as has been done in the case of another similarly situated, namely, Anandi Prasad Singh in order dated 12.04.2019 passed in CWJC No 17668 of 2011. The respondent-Authorities, in their counter affidavit, have also stated that the issue is pending consideration in the other writ proceedings of similarly situated persons including Anandi Prasad Singh (supra) in CWJC No 17668 of 2011.
3. In the case of Anandi Prasad Singh (supra), this Court, under order dated 12.04.2019, has allowed the writ petition and directed that the case of the petitioner be considered for grant of ACP and benefits found due and admissible be paid to the petitioner. Parity in the claim of the petitioner with that of Anandi Prasad Singh (supra) is not denied as reference to the claim of Anandi Prasad Singh (supra) has been made by the respondents themselves in their counter

affidavit in paragraph 6.

4. In view of the aforesaid circumstances, the petitioner's claim is also entitled to be considered for grant of benefits under ACP, without raising the requirement of having passed the Departmental Accounts Examination. The Authorities are obliged to extend the same benefit to the petitioner as has been done in the case of Anandi Prasad Singh (supra) as petitioner's claim would come within "covered matters" as per Clause 4.C (1) of the Bihar State Litigation Policy, 2011.

5 Let the benefits of ACP be granted to the petitioner in accordance with law by the Authorities expeditiously and without any undue delay and preferably within three months from the date of receipt/production of a copy of this order.

6. Writ petition is allowed.