

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.787 of 2013

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1. Pappu Kumar S/O Anandi Singh R/O Village- Gangti, P.S.- Khudaganj, District- Nalanda
 2. Kaushalendra Kumar @ Kaushal Prasad @ Kaushal Kumar Yadav S/O Shardanand Yadav R/O Village- Madi Khurd, P.S. Khudaganj, District- Nalanda
 3. Siyaram Prasad Yadav @ Siyaram Gope Son Of Ram Chalitra Yadav Resident Of Village Arjun Sarthudih, P.S. Khudaganj, District Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate Cum-Chairman District Compassionate Appointment Committee, Null Nalanda, District Nalanda
3. The Superintendent of Police, Nalanda
4. The Sub-Divisional Officer, Hilsa, District Nalanda
5. The Officer In-Charge, Khudaganj, District Nalanda
6. The Circle Officer, Khudaganj, District Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For The Respondent/S : Mr. Ajay Bihari Sinha, SC 19

Mr Neeraj Raj, AC to SC 19

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 20-08-2015

Petitioners want a direction upon the respondents to consider the candidature of these petitioners for appointment on compassionate ground on the post of a *Choukidar* or *Dafadar*. It is their case that they have also been working as *Awazi Choukidar*.

The system for appointment on the post of *Choukidar*, which is a legacy of the British era, has now undergone a change especially after the post of *Choukidar* was made a post under the State from the year 1990.

Now, the State Government has also notified a Rule in the

year 2006. All recruitments and appointments are required to be made under the Bihar Rule of 2006 as a codified rule is in place.

The right of the petitioners, therefore, for any consideration or appointment will only flow from 2006 Rules and not what used to happen earlier or transpired in matters of such appointment under the previous arrangement pre-independence but continued even after independence.

In view of the above, no direction for consideration in favour of the petitioner on the basis so pleaded in the writ application can be given. However, right for consideration of the petitioners may flow as and when an advertisement is issued for filling up such posts within the parameters of the Rules of 2006, a copy of which is Annexure- B to the counter affidavit.

Writ application is otherwise dismissed.

(Ajay Kumar Tripathi, J)

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