

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10438 of 2015

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Santosh Kumar Sharma, son of late Ramdeo Sharma, resident of village Koilwar, P.S. Koilwar, District Bhojpur

.... Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna
2. The District Magistrate, Bhojpur, Ara
3. The Superintendent of Police, Bhojpur, Ara
4. The Deputy Superintendent of Police, Bhojpur, Ara
5. The Station House Officer, Koilwar, District Bhojpur
6. The Circle Officer, Koilwar, District Bhojpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Adv.

For the Respondent/s : Mr. Sunil Kr. Mandal, SC24

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 31-07-2015

Heard learned counsel for the parties.

Having regard to the fact that the petitioner in this writ application has prayed for his appointment on the basis of recommendation made by the Station House Officer to the Superintendent of Police vide his letter dated 11.6.2012, this Court must hold the expectation of the petitioner to be appointed on the post of Chowkidar in the manner he wants to be wholly against the provision of law.

Admittedly the post of Chowkidar has become a Government post in the year 1990 and after 1990 every person holding qualification for the post of Chowkidar has a right to be considered. Therefore, if the petitioner got backdoor entry in the

year 2004 on the basis of some recommendation of the Station House Officer, that can clothe him with no right much less for his being absorbed on the post of Chowkidar. The post of Chowkidar is not the personal prerogative of the Superintendent of Police that he may make recommendation of a particular person. The appointing authority of the post of Chowkidar is the Collector of the District. The Superintendent of Police is in fact only a recommending authority and therefore, either recommendation of the Station House Officer to the Superintendent of Police or otherwise in no view of the matter can change the procedure of appointment which requires the post to be advertised and selection process undergone. Admittedly the petitioner had never undergone such selection process and therefore, this Court would find it difficult to issue any direction for his appointment.

This application is, accordingly, dismissed.

(Mihir Kumar Jha, J)

surendra/-

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