

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.806 of 2011

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Dinesh Chandra son of Siya Ram Singh Resident Of Village Meyar, P.S-
Chabilapur, District- Nalanda.

.... Petitioner/s

Versus

1. The State Of Bihar, Through The Chief Secretary Govt. Of Bihar, Patna.
2. The Principal Secretary Deptt. Of Home (Police), Govt. Of Bihar, Patna.
3. The District Magistrate, Nalanda Biharsharif.
4. The Superintendent Of Police, Nalanda, Biharsharif.
5. The Officer Incharge, Rajgir Police Station, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rashid Ijhar

For the Respondent/s : AC to GP 1

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 27-10-2015 Heard Mr. Rashid Ijhar, learned counsel who was

assisted by Mr. Rashid Rais, learned counsel for the petitioner and

learned AC to GP No. 1.

The present writ petition has been filed with a prayer to
direct the respondents to appoint the petitioner on the post of
Dafadar / Choukidar as Ewazi. It has been claimed that petitioner
had discharged duty as Ewazi Dafadar /Choudkidar in place of his
grand father since 1.1.1989. It has been claimed that the petitioner
has not been paid salary since the year 1990 till the date of filing
of the writ petition.

Learned counsel for the petitioner submits that the case
of the petitioner was recommended but the Government Officials

did not take any decision on such recommendation and they are sitting tight over the matter till date. Mr. Rashid Ijhar, learned counsel for the petitioner by way of referring to certain statements made in the supplementary affidavit tried to persuade the court that the petitioner was paid some remuneration. However, in the supplementary affidavit also there is no such specific averment or date, and as such, the submission of learned counsel for the petitioner may not be entertained.

In this case a counter affidavit has been filed on behalf of respondent no. 3 wherein a plea has been taken that petitioner has made contradictory statement. On the one hand petitioner is claiming that he had discharged duty as Ewazi Choukidar since 1.1.1989 whereas it is the case of the petitioner that his grand father who was working as Dafadar in Rajgir P.S., Circle No. 16, on 14.2.1990 had recommended to appointment the petitioner as Choukidar. It has also been claimed that by efflux of time and in view of orders passed by different courts Government has taken a decision not to appoint / regularize Choukidar/ Dafadar in the manner in which it was earlier done and finally in the year 2006 Government has come out with a Rule in respect of service of the cadre of Choukidar vide Bihar Choukidar Sambarg Niyamawali, 2006.

In view of the facts disclosed in the counter affidavit as well as the fact that as per the claim of the petitioner himself that his name was recommended in the year 1990 and he has not been paid salary since the year 1990, at such belated stage it would be difficult for this court to pass any positive order in favour of the petitioner.

The writ petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

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