

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12704 of 2008

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Kanak Bhuwan Dusadh, S/O Chatthu Dusadh, resident of village +P.O.+P.S. –
Guthani, Dist - Siwan

.... Petitioner

Versus

1. The State of Bihar
2. The Commissioner cum Secretary, Home (Police) Department, Govt. of Bihar, Patna
3. The Joint Secretary, Home (Police) Department, Govt. of Bihar, Patna
4. The Director General of Police, Govt. of Bihar, Patna
5. The Inspector General of Police, Tirhut Range, Saran Chhapra
6. The District Magistrate, Siwan
7. The Superintendent of Police, Siwan
8. The Officer In Charge, P.S. Guthani, Siwan

.... Respondents

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Appearance :

For the Petitioner : M/s Prabhakar Singh @ Anil
Rakesh Mohan Singh, Advocates
For the State : Mr. Prabhat Ranjan, AC to G.P. 12

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 05-11-2015

I have heard learned counsel for the petitioner and the
State.

Petitioner seeks a direction to the authorities to appoint
him on the post of Chaukidar as he claims to have worked from
1.1.1990 on daily wages after retirement of his father till 2002. He
had applied for his regularization / appointment as Chaukidar in light
of the letter issued by the Home Department dated 20.12.1995.

Though no counter affidavit has been filed in this case
but in another matter which has been heard today i.e., C.W.J.C. No.
11889/2008 a letter dated 23.9.2009 of District Magistrate, Katihar

has been appended as Annexure B stating that the aforesaid letter dated 20.12.1995 has been set at naught by the subsequent circular no. 12904 dated 11.11.2004.

Since the petitioner could not be appointed before 11.11.2004, and admittedly that the earlier letter now stands nullified, in my considered view, he cannot seek appointment on that basis after 11.11.2004.

However, since the petitioner claims that he has worked on daily wage basis from 1.1.1990 till 2002, let that be examined by the concerned authority and if it is found that he has worked then his emoluments for the aforesaid period should be paid without any delay preferably within a period of three weeks from the date of receipt / production of a copy of this writ application.

This disposes of the writ application.

(Dr. Ravi Ranjan, J)

Spd/-

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