

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10038 of 2008

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Kisun Ram, son of Late Chandar Ram, resident of village- Ahara Patam, Circle No.6, P.O. Patam, P.S. Naya Ram Nagar, District-Munger, presently posted as Choukidar in Beat No.6/2 under Naya Ram Nagar Thana, Munger, District- Munger

.... Petitioner

Versus

1. The State of Bihar through Secretary of Home Ministry, Govt. of Bihar, Patna
2. The District Magistrate, Munger, District-Munger
3. The Superintendent of Police, Munger, District-Munger
4. The Sub Divisional Officer, Munger, District- Munger
5. The Officer Incharge, Naya Ramnagar Thana, District-Munger

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary

For the Respondent/s : Mr. AC to GA-7

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 31-08-2015 Heard Sri Siya Ram Shahi, learned counsel, who was assisted by Sri Ram Sewak Choudhary, learned counsel for the petitioner and learned AC to GA-7.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for directing the Respondents to regularize his services as Chaukidar of (Circle) Beat No.6/2 of village- Baraichak Lohacha, Bind Toli, Patam. A plea has been taken that juniors were regularized ignoring the case of the petitioner.

Learned counsel for the petitioner by referring to Annexure-8 to the writ petition submits that the Officer Incharge has recommended the name of the petitioner for being appointed

as Chaukidar however, appointment of number of Chaukidars were made by Annexure-10 to the writ petition ignoring the case of the petitioner. Even thereafter, recommendation was made for appointing the petitioner as Chaukidar, but all went in vein.

In this case, the Respondents have filed counter affidavit. A separate counter affidavit has also been filed on behalf of Respondent no.3. In the counter affidavit, a specific stand has been taken that the petitioner was never appointed as Chaukidar. It has further been pleaded that on merely recommendation, no one can be appointed as Chaukidar. It is true that father of the petitioner was working as a Chaukidar, who died in the year 1984. The statement made in paragraph-10 of the counter affidavit of Respondent no.3, it has specifically been stated that the petitioner had never been appointed or allowed to work as Chaukidar and, as such, there was no question for payment of arrears of salary.

The statement made in the counter affidavit has not been denied by filing any rejoinder. Only oral submission has been made that the statement made in the counter affidavit is not correct.

In view of specific averment made in the counter affidavit that the petitioner was never appointed nor any document suggests that he had worked as Chaukidar, there is no question for

issuance of any direction.

The writ petition stands dismissed.



(Rakesh Kumar, J)