

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9251 of 2014

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1. Devanand Kumar Paswan S/O Lelho Paswan R/O Village - Laxmi Nagar Hat,
P.S. - Gogari, District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Khagaria.
3. Superintendent of Police, Khagaria.
4. The Sub-Divisional Magistrate, Gogari, District - Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Viveka NandSingh

For the Respondent/s : Mr. Nirmal Kr. Sinha No.3, AC to AAG 7

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 27-10-2016

The era of appointing Choukidar and Dafadar on nomination is over. That tradition was introduced by the British since it served them well since allegiance from one generation to the next of a family was ensured.

In addition to that, the State Government by brining about a set of rules made the Choukidar a class IV employee. After such rule was introduced, Articles 14 and 16 came into play and any such post, which is required to be filled up, cannot be filled up by nomination but by following proper process of recruitment like any other public post.

In the present case, the petitioner is demanding benefit on the basis of nomination made by his grandfather. Such a prayer is

opposed by the State in the counter affidavit filed on their behalf taking a similar plea and they have also brought on record the guidelines, which have also been brought into play in addition to the 1990 Rules and the amended Rules thereafter.

Since the post is no longer inheritable, the era of filling up a position of Choukidar or Dafadar as a nominee does not exist but is guided by a set of rules. Petitioner has no right to demand or beget a position or an opening as a Choukidar on the basis of nomination. However, if he is otherwise eligible, as and when steps for such appointments are initiated, his case can be considered on its own merit.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

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