

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1836 of 2012

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1. Shambhu Kumar Son Of Ramjee Paswan Resident Of Village - Raja Dumari,
P.S. - Begusarai, Muffasil, District - Begusarai

.... Appellant/s

Versus

1. The State Of Bihar
2. The District Magistrate Begusarai
3. The Superintendent Of Police, Begusarai
4. The Officer-In-Charge, Begusarai, Muffasil, Police Station

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. BINOD KUMAR

For the Respondent/s : Mr. AJAY BIHARI SINHA

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 10-03-2016

This intra-Court appeal has been filed against the judgment and order dated 24-11-2011 passed in C.W.J.C.No. 18164 of 2011 by a learned Single Judge of this Court, rejecting the writ petition of the writ petitioner for a direction to the District Magistrate, Begusarai, to consider appointment of the writ petitioner as Village Choukidar in place of his retired father.

2. Having heard learned counsel for the appellant and learned counsel for the State, we are satisfied that no case for interference is made out.

3. Learned counsel for the appellant states that there is a

Circular of the State Government dated 4th March, 1997, which entitles a son of a retired or deceased Village Choukidar to be considered for the said appointment as one time measure.

4. We may notice that in 1990 the State Government had taken a decision to abolish the system of appointing sons of Village Choukidar as Village Choukidar. The Village Choukidar is a public employment.

5. Learned counsel for the State draws attention of this Court to a Division Bench decision of this Court in Letters Patent Appeal No. 1030 of 2011 decided on 18.7.2011(Lalit Paswan Vs.State of Bihar & others), wherein this Court has clearly held as follows:

“ We are of the opinion that the claim of the appellant is wholly misconceived. The decision dated 19th July 2003 of the District Selection Committee in so far as the appointment of the wards of retired Choukidars is concerned is highly deplorable and is made in contravention to the principles of equality in public employment contained in Articles 14 and 16 of the Constitution. If such an order is permitted to be sustained, the employment in public service will be converted into hereditary service. Learned single Judge has rightly rejected the claim”.

6. That being so, the State Government Circular itself would be invalid and there is no wrong in the order of the learned

Single Judge in dismissing the writ petition. Accordingly, this appeal is dismissed, as we find no error has been committed by the learned Single Judge, which requires interference.

(Navaniti Prasad Singh, J)

(Nilu Agrawal, J)

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