

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.78 of 2017**

**In**

**Civil Writ Jurisdiction Case No.9251 of 2014**

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Devanand Kumar Paswan Son of Lalho Paswan, Resident of Village-Laxmi  
Nagar Hat, P.S.-Gogari, District-Khagaria.

... .. Appellant/s

Versus

1. The State of Bihar, through its Chief Secretary, Govt.of Bihar, Patna
2. The District Magistrate, Khagaria.
3. The Superintendent of Police , Khagaria.
4. The Sub-Divisional Magistrate, Gogari, Khagaria.

... .. Respondent/s

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**Appearance :**

For the Appellant/s :

For the Respondent/s :

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 20-11-2017**

Defects pointed out by the office is ignored.

Delay of 53 days in filing of the appeal is  
condoned. I.A. No. 292 of 2017 stands allowed and disposed of.

The appellant seeks appointment on the post of  
Chowkidar and Dafadar based on the nomination made by his  
grandfather. The learned Writ Court having rejected the prayer,  
this appeal under clause 10 of the Letters Patent.

It has been found by the learned Writ Court that  
now after formulation of statutory rules for appointment on the  
post of Chowkidar and Dafadar, the system of appointment by



nomination, which is found to be violative of Articles 14 and 16 of the Constitution, cannot be given effect to and holding that now appointment to the post of Chowkidar and Dafadar can be made only after following the due process and rules for recruitment the writ petition has been dismissed.

In doing so, we are of the considered view that the learned Writ Court has not committed any error warranting reconsideration. The Letters Patent Appeal is dismissed.

**(Rajendra Menon, CJ)**

**(Anil Kumar Upadhyay, J)**

P.K.P.

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