

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1153 of 2016

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Santosh Kumar Sharma, Son of late Ramdeo Sharma, resident of Village- Koilwar,
Ps. Koilwar, District Bhojpur.

.... Appellant/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna
2. The District Magistrate, Bhojpur, Ara.
3. The Superintendent of Police, Bhojpur, Ara.
4. The Deputy Superintendent of Police, Bhojpur, Ara.
5. The Station House Officer, Koilwar, District - Bhojpur
6. The Circle Officer, Koilwar, District Bhojpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vijay Kumar Mishra, Advocate
For the Respondent/s : Mr. Sunil Kumar Mandal, S.C. 3
Mr. Arjun Prasad, A.C. to S.C. 3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-07-2017

Apart from the fact that there is inordinate unexplained delay of 259 days in filing of this appeal, the learned Writ Court has refused to entertain the matter as for appointment to the post of Chowkidar which has become a public post after formulation of the rules, and merely on the basis of recommendation of a Station House Officer, appointment to the post could not be made as it may amount to an appointment contrary to rules, i.e. a back door entry.

Once, the post of Chowkidar is a public post, it has to be advertised and a process of selection under law should be followed



and holding that no direction can be issued for appointment of the petitioner based on the recommendation made by the Station House Officer, the learned Writ Court has not committed any error in dismissing the writ petition.

The Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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