

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1739 of 2015

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Deo Sharan Sah S/o Late Narad Sah resident of village - Bhalhi, P.S. Bathnaha,
District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Home (Police) Department , Government of Bihar, Patna.
3. The Commissioner , Tirhut Division, Muzaffarpur.
4. The District Magistrate, Sitamarhi.
5. The Sub Divisional Officer , Sadar , Sitamarhi.
6. The Additional Collector , Sitamarhi.
7. The District Establishment , Deputy Commissioner , Sitamarhi.
8. The Officer-in-Charge, Bathnaha P.S. , District - Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Respondent/s : AC to GA – 5

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 09-02-2017

Heard Sri Bimal Kumar, learned counsel for the petitioner
and learned AC to GA No. 5.

The petitioner, has invoked writ jurisdiction of this Court
under Article 226 of the Constitution of India, with a prayer to quash
an order contained in Memo No. 1194 dated 2.8.2013 passed by the
District Magistrate, Sitamarhi. By the said communication



application of the petitioner for being appointed as Chaukidar was rejected.

Learned counsel for the petitioner submits that though for some time petitioner had worked as Chaukidar he was not paid salary. It has been accepted by learned counsel for the petitioner that earlier petitioner had approached this Court by filing a writ petition vide CWJC No. 1327 of 2012. The writ petition was disposed of on 27.2.2012. A copy of the order has been brought on record as Annexure – ‘4’ to the present writ petition. On perusal of the order it is evident that this Court in its earlier order had already noticed that on the date of filing of the writ petition the petitioner had not at all worked as Chaukidar. This Court had further observed that if the petitioner was appointed that was through back door method and as such no positive direction was given, only it was observed that if the petitioner had worked he may be paid his salary. Pursuant to the order of this Court the matter was examined and enquiry was conducted. During enquiry no evidence was brought on record as to whether petitioner had ever worked as Chaukidar or not. Only one document was noticed that was a recommendation of the Officer –in- Charge of Bathnaha Police Station for appointing the petitioner as Chaukidar.

In view of the facts and circumstances particularly the impugned order which categorically depicts that there was no



evidence to suggest that petitioner had worked save and except recommendation letter, there is no reason to interfere with the impugned order.

The writ petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	NA
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