

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.21 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 1091 of 2014**

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Birendra Kumar Singh, Son of Late Lakhan Singh, Resident of Village - Jatahi,
Panchayat Chatarbhuj Piprahi, Ward No. 14, Police Station - Khutauna, District -
Madhubani.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Secretary Home Affairs (Police) Department, Bihar, Patna.
3. The District Magistrate, Madhubani.
4. The Anchal Adhikari Khutauna, Police Station - Khutauna, District -
Madhubani.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prabhas Ranjan, Advocate

For the Respondent/s : Mr. Amresh Kumar Sinha, GA-1

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT**

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 25-01-2017

I.A. No.20 of 2016

The application is for condonation of delay of 279 days
in filing the Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory
Application, we are satisfied that the appellant has shown sufficient
cause to seek condonation of delay of 279 days in filing the present
Letters Patent Appeal.

3. Consequently, Interlocutory Application No. 20 of
2016 is allowed and delay of 279 days in filing the Letters Patent



Appeal is condoned.

L.P.A.No.21 of 2016

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 12th of February, 2015 in C.W.J.C. No.1091 of 2014 whereby, the writ application filed by the appellant for appointment as Dafadar/Choukidar remained unsuccessful.

2. The father of the appellant was a Dafadar who recommended his son, the present appellant, for appointment as a Dafadar/Choukidar in the year 1998. The appellant claims to have started working on the post after the recommendation by his father for such appointment.

3. The father of the appellant died in the year 2003. The appellant thereafter invoked the writ jurisdiction of this Court for seeking appointment as Dafadar/Choukidar in view of the recommendation earlier made by his father.

4. The post of Dafadar/Choukidar is now required to be filled up in accordance with *Bihar Choukidar Sambarg Niyamawali*, 2006.

5. Learned counsel for the appellant points out that such Rules stand amended on 10th of May, 2014 whereby, a candidate, such as the appellant, has been made eligible for



appointment as Dafadar/Choukidar as a one time measure.

6. We do not find any error in the order passed by the learned Single Bench. It is neither a compassionate appointment nor a right of inheritance which the appellant can claim for appointment as a Dafadar/Choukidar. There are statutory Rules framed and the appointments in question can be made only in accordance with Rules so notified. However, if the appellant is eligible in terms of the Rule as amended, his claim may be considered in accordance with law.

7. With the said liberty and observation, the present Letters Patent Appeal is disposed of.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	N/A

