

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.975 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 8432 of 2013**

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Ram Prit Paswan, S/o Late Loki Paswan R/o vill. - Korwna, P.O. Dariapur, P.S.
Islampur, Distt. - Nalanda

.... Appellant/s

Versus

1. The State of Bihar, through the Secretary, Home Department, Govt. of Bihar, Patna
2. Director General, Cum Inspector General of Police, Bihar, Patna
3. District Magistrate, Nalanda at Biharsharif
4. Superintendent of Police, Nalanda at Biharsharif
5. Sub Divisional Officer Hilsa, Nalanda
6. Station House Officer, Islampur Police Station, Distt. - Nalanda

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Yash Singh, Advocate
For the Respondent/s : Mr. Arvind Ujjwal, S.C. 4
Mr. Maruth Nath Roy, A.C. to S.C. 4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 27-04-2017

Seeking exception to an order dated 24.04.2014 passed
by the learned Writ Court in C.W.J.C. No. 8432 of 2013 this appeal
has been filed under Clause 10 of the Letters Patent.

2. Appellant was working as a Chowkidar and due to his
involvement and arrest in a criminal case and the prosecution faced
by him in a criminal case for various offences under Sections 461,
380, 411, 379 etc. his services were terminated in the year 1981.



After his acquittal in the year 2012, he challenged his termination by contending that the Superintendent of Police is not competent to terminate the service of a Chowkidar and, therefore, the termination is illegal.

3. Respondents have filed a counter affidavit and pointed out that the services of the Chowkidars working in the State were regularized in the year 1990 and it was thereafter that the statutory rules were framed in the matter of taking action against the Chowkidar. As far as the present petitioner is concerned, it was the case of the respondents in the counter affidavit that appellant's father Late Loki Paswan was working as Chowkidar in the Police Station Islampur. After his death, appellant started working as a Chowkidar in place of his father. He was only an Awagi Chowkidar but his services were already terminated in the year 1981 before the policy for regularization of the Chowkidars were undertaken by the State Government in the year 1990.

4. Considering the aforesaid aspects of the matter, the learned Writ Court found that appellant was not a Government Servant. He was only an Awagi Chowkidar, and therefore, now in the matter of his termination which took place in the year 1981 on the grounds canvassed merely after his exoneration in the criminal case, no indulgence can be made and dismissed the writ petition and in



doing so, we are of the considered view that the learned Writ Court has not committed any error warranting reconsideration.

5. The Letters Patent Appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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