

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11194 of 2014

=====

Kundan Paswan S/O Sri Chandeshwar Paswan Resident of Village - Arout, P.S. -
Rosera, Distt - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Home Commissioner, Deptt. of Home Police,
Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Samastipur.
3. The Superintendent of Police, Rosera, Samastipur.
4. The Circle Officer, Rosera, Samastipur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. K.N. Singh, Sr. Advocate
Mr. Abhimanyu Sharma, Advocate
For the Respondent/s : Mr. Kinkar Kumar, SC 9
Mr. Yogesh Kumar, AC to SC 9

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 08-12-2017

Heard counsel for the petitioner and counsel for the
State.

The petitioner has approached this Court with a grievance
that though he has been nominated by his paternal grand father for
appointment as 'Chaukidar' upon his retirement but his claim has
been rejected on the ground that the letter dated 20.12.1995 issued by
the Home Ministry, Government of Bihar bearing Memo No. 11287
does not provide for appointment of nominated paternal grand son and
that the same is claimed to be appointed nominated maternal grand
son (Nati). The claim of the petitioner has been rejected by the



District Selection Committee in its meeting dated 29.05.2003.

This writ petition has been filed in 2014, again making a claim relying upon the declarations made by this Court in C.W.J.C. No. 33 of 2007 vide order dated 04.07.2011 that the State cannot discriminate between the paternal and maternal grandson nominees.

The issue stood decided by the authorities much prior to the said declaration made by this Court and therefore, now about 14 years later there is no scope for reopening that issue.

The petitioner’s counsel seeks liberty to approach the authorities concerned for his appointment on the basis of Annexure 5 i.e. letter dated 30.07.2013 issued by the office of the Superintendent of Police, Samastipur.

For whatever it may be worth the right of the petitioner with reference to Annexure 5, would be open to the authorities to consider.

With the liberty as aforesaid, the writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	18.12.2017
Transmission Date	

