

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 6022 of 2015

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Ashok Paswan son of Shri Charitra Paswan @ Ram Charitra Paswan , Resident of village- Rajapur, P.S. and Anchal Bachhwara, Dist. Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Home Secretary, Govt. of Bihar, Patna.
3. The Director General of Police, Govt. of Bihar, Patna
4. The District Magistrate, Begusarai
5. The Superintendent of Police, Begusarai.
6. The Sub-Divisional Magistrate, Teghra, Dist. Begusarai.
7. The Sub-Divisional Police Officer, Teghra, Dist. Begusarai.
8. The Circle Officer, Anchal Bachhwara, Dist. Begusarai.
9. The Officer-in-Charge, Police Station Bachhwara, Dist. Begusarai.
10. Ashok Paswan (fake person) son of Ram Charitra Paswan Resident of village- Rajapur, P.S. and Anchal Bachhwara, Dist. Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Md Fahimuddin, Advocate
For the S t a t e : Mr Nagendra Pd Yadav, SC XXIII with
Mr Ranvijay Singh, AC to SC XXIII
For Respondent No 10 : Ms Anujit Sinha, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 23-04-2018

Heard learned counsel for the petitioner and the respondent-State.

2 In light of the Government policy/procedure prescribed, the step son of one Ram Charitra Paswan came to be appointed as *Chowkidar* in his place subsequent upon his retirement from the said post in the year, 1998. Appointment of the step son, namely Ashok Paswan was done way back in the year, 2000. In the



year 2015, the writ petition was filed by another Ashok Paswan claiming that the beneficiary, who has been appointed 15 years back, was a fake person.

Pursuant to filing of the writ petition, respondents got an enquiry conducted. The same has been placed on record by way of counter affidavit filed by the State. It is the specific stand of the State that upon detailed enquiry, it was found that at the time when nomination was made in favour of adopted son Ashok Paswan, the step son was between 12 to 14 years. As the petitioner has two different dates of birth, one in the Aadhar Card in which he is shown to be born in 1985 and another date of birth, which is mentioned in the voters' identity card, in the year 1987. From the enquiry conducted by the Police Inspector, Teghra Circle, the fact has come that the person, who has filed this writ petition claiming to be the son of Ram Charitar Paswan, was in fact step son and was ineligible at the time the nomination was made in favour of the adopted son. The petitioner, therefore, had no subsisting claim at the time nomination was made and it appears from the record that only on attaining majority, he has filed this writ petition after an inordinate and unexplained delay of 15 years by making a wrong submission that respondent No 10 has obtained employment by impersonating him.

The clear finding of the enquiry is that the beneficiary



was also named Ashok Paswan and that he is the adopted son of Ram Charitar Paswan. The enquiry has also revealed that it was only due to some dispute which arose in the family that the petitioner started assailed the appointment of the beneficiary Ashok Paswan 15 years after he was appointed.

Since no case is made out for interference or for setting aside the appointment of respondent No 10, the petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.04.2018
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