

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17460 of 2013

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Jay Jaywati Devi W/O Sadanand Mahto Resident Of Village- Uday Nagar
(Charaiya Rahika), P.S.- Shri Nagar, District- Purnia

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Director General Of Police, Bihar, Patna
3. The Inspector General Of Police, Bihar, Patna
4. The Deputy Inspector General Of Police, Purnia Division, Purnia
5. The District Magistrate, Purnia
6. The Superintendent Of Police, Purnia
7. The Deputy Superintendent Of Police, Purnia
8. The Assistant Sub-Inspector, Shri Nagar, Purnia

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate

For the Respondent/s : Mr. Ujjwal, S.C. 25

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date: 10-01-2018

This writ petition under Article 226 of the Constitution of India has been filed for issuance of writ of mandamus commanding the respondents to regularize the service of petitioner from the date of her appointment as a lady Chaukidar in Shri Nagar Police Station, Purnea District.

Briefly stated, the facts of the case as stated in petition is that petitioner has worked as daily wager Chaukidar under the Assistant Sub-Inspector, Shri Nagar Police Station and in order to



comply execution of a warrant of arrest against lady accused, the services of petitioner was taken by the Assistant Sub-Inspector, Shri Nagar Police Station, Purnea. On the assurance given by him that there was no lady Constable Chaukidar in police station, as such, her services will be regularized.

It has further been contended that she was appointed on 11.12.2006 as a lady Chaukidar on daily wages and thereafter she continued the representing authority to regularize her services but when no steps were taken for her regularization she has filed the present writ petition.

A counter affidavit has been filed on behalf of respondent No. 6 in which it has been stated that petitioner was not appointed as lady Chaukidar on daily wages and she assisted police in arrest of a female accused. There is nothing on record to show that petitioner was ever appointed by the competent authority on the post of lady Chaukidar even on daily wages or temporary basis and there is nothing on record that any remuneration was paid to her as a daily wager, as such, no writ can be issued in her favour. A writ of mandamus can be issued by this Court only if petitioner has a legal right to hold the post and there is corresponding obligation on behalf of respondents to regularize her. In absence of which no relief can be granted to the



petitioner and present writ petition is dismissed as devoid of any merit.

This writ petition is dismissed.

(S. Kumar, J)

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CAV DATE	
Uploading Date	
Transmission Date	

