

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18409 of 2017

=====

Harendra Roy, son of Sri Ambika Roy, Resident of Village- Khaira Aajam,
P.O. Reotith, P.S. Baikunthpur, Anchal Baikunthpur, District Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home (Police Branch), Government of Bihar, Patna.
2. The Principal Secretary, Department of Home (Police), Government of Bihar, Patna.
3. The District Magistrate, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Sub-Divisional Officer, Gopalganj.
6. The Circle Officer, Baikunthpur, District Gopalganj.
7. The Officer-in-Charge, Baikunthpur Police Station, District – Gopalganj.

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Advocate
For the Respondent/s : Mr. Anil Kumar, A.C. to S.C.-8

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 11-09-2018

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

In this case, the petitioner is challenging the order
dated 27.07.2017, by which his application for induction as
Chaukidar has been rejected by the respondent authorities.

It has been submitted that as per the rule and
scheme that has been floated by the State of Bihar if any
Chaukidar intends to go for voluntary retirement may nominate
his ward, who will be appointed as Chaukidar, but the time limit
has been prescribed that the application must be received one



month before the voluntary retirement of the employee.

The father of the petitioner has filed the application on 28.12.2015 and he has superannuated on 31.01.2016, so he has squarely complied the provisions of the Rule, but his application has been rejected by the impugned order, which says that the petitioner has complied Clause-3(ii)(k) but failed to comply Clause-3(ii)(gh) of the resolution.

As the father of the petitioner has filed the application more than one month of his voluntary retirement. If it is examined from all angles, it appears that there is no violation of any of the terms of the rule either Clause-3(ii)(k) or Clause-3(ii)(gh) of the resolution.

In such view of the matter, the impugned order dated 27.07.2017 is quashed. The respondent authorities are directed to appoint the petitioner on the post of Chaukidar in terms of the Bihar Chaukidar Cadre (Amendment) Rules, 2014.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	13.09.2018
Transmission Date	N/A.

