

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15312 of 2017

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1. Brij Nandan Kumar son of Rajdeo Paswan resident of village - Habuchak, P.O. - Khairadeep, P.S. - Daud Nagar, District - Aurangabad.
 2. Raj Kapur son of Parmanand Dushadh resident of village - Mahua Bigha, P.O. + P.S. - Obra, District - Aurangabad.
 3. Manoj Kumar Paswan son of Janardhan Ram Tejpura, P.S. - Obra, District - Aurangabad.
 4. Yugal Kishore Kumar Son of Deonandan Singh resident of village - Imamganj, P.O. - Tarar, P.S. - Daud Nagar, District - Aurangabad.
 5. Bikash Kumar Son of late Rajendra Yadav resident of village - Chatar, P.O. - Malwa, P.S. Khudba, District - Aurangabad.
 6. Brij Nandan Paswan son of Gumani Dusadh resident of village - Soshuna, P.O. Belabarsih, District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through Deputy Secretary, Home Department, Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Circle Officer, Daudnagar, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Sharma

For the Respondent/s : Mr. Partha Sarthi-Ga4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-04-2018 The present writ petition has been filed to direct the respondents for appointing the petitioners on the post of Chaukidar.

The brief facts of the case are that the father of the petitioners were working as Chaukidar with the Government of Bihar and prior to their retirement, they are said to have applied for voluntary retirement and nominated their sons for the purposes of appointment on the post of chaukidar, however, no decision was taken with regard to the case of the father of the petitioners



for voluntary retirement and in the meantime, the father of the petitioners herein superannuated from their services in usual course.

The learned counsel for the petitioners has relied upon various communications of the Circle Officer, District Magistrate etc. to contend that since the father of the petitioners herein had applied for voluntary retirement prior to their regular superannuation, it would be deemed that their cases for voluntary retirement had been accepted inasmuch as there is no order of rejection passed by the respondents, hence according to the scheme, the petitioners herein are required to be appointed on the post of chaukidar.

I have heard the learned counsel for the parties and gone through the materials on record. According to the resolution of the State Government dated 05.03.2014, Anneuxre- 4 to the petition, those Chaukidars who have attained the age of 55 years or more and have completed 20 years of service, would be entitled for applying for voluntary retirement and in case they are granted voluntary retirement, they would be entitled to nominate one of their dependents for the purposes of appointment. In the present case, admittedly the petitioners herein have superannuated from their services upon attaining the age of retirement and they have



neither taken nor have been granted voluntary retirement, hence there is no provision in the aforesaid scheme for appointment of the sons of the petitioners herein in place of the petitioners.

In view of the aforesaid, no relief can be granted to the petitioners herein, hence the writ petition is dismissed.

(Mohit Kumar Shah, J)

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