

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19093 of 2008**

=====

Mohan Sahni, son of late Sudama Sahni, resident of Village + Post Khajuriya,  
P.S. Dumariya Ghat, Dist. East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Commissioner, Tirhut Division, Muzaffarpur.
2. The District Magistrate, East Champaran, Motihari.
3. The Superintendent of Police, East Champaran, Motihari.
4. The Subdivisional Officer, Sadar, East Champaran, Motihari.
5. The Incharge Deputy Collector, East Champaran, Motihari.
6. The Officer-in-Charge, Dumariya, Ghat P.S. East Champaran.
7. The Circle Officer, Kesariya.
8. The Circle Officer, Sangrampur, East Champaran.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.  
For the Respondent/s : Mr. Nagendra Kumar, AC to AAG-IX

=====

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL JUDGMENT**

**Date : 12-02-2018**

Heard learned counsel for the parties.

In this case, the petitioner has claimed that he should be regularized as Chaukidar as he has discharged the duty of Chaukidar for a long period.

Now the post of Chaukidar has become a Class-IV post and the same has to be appointed through regular process of selection. The scheme was floated by the State Government mentioning therein that those persons who were working as a Chaukidar would be considered by way of one time exercise for regularization in service.



Learned counsel for the petitioner has placed reliance on Annexure Nos. 1, 4 & 6, impressed upon this Court that the report of the Officer in-Charge of the police station reflects the work was done by the petitioner during the period 1988-1996 and, as such, in terms of the Government circular, the case of the petitioner should have been considered and he should be paid salary for the period work done by him. It has been mentioned in the scheme of the Government that those who were appointed as a Awaz Chaukidars were required to be considered by way of one time exercise for regularization in service but, in the counter affidavit itself, the State has come forward saying that the petitioner was never employed by the District Magistrate nor any approval was granted by him and it does not confer any right for consideration.

In that view of the matter, this court does not intend to give any relief with regard to regularization in service. However, if the petitioner has worked as Awaz Chaukidar, whatever remuneration has accrued in his favour, must be paid to him.

Let the petitioner should file a representation before the District Magistrate, East Champaran, Motihari along with the supporting material and the District Magistrate will be obliged to call for the relevant record from the police station concerned and if



he would find that the petitioner has discharged the duty, certainly  
he must give direction for the payment.

All the exercise must be done within a period of three months  
from the date of filing of the representation by the petitioner along  
with a copy of this order.

With the aforementioned observation and direction, this writ  
application is disposed of.

**(Shivaji Pandey, J)**

rishi/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 21.02.2018 |
| Transmission Date | NA         |

