

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.639 of 2018

Arising out of

Civil Writ Jurisdiction Case No.726 of 2017

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Raju Paswan, son of Ram Pati Paswan, resident of village - Chandhariya, P.O. Kordihara, P.S. Paras Bigha, District - Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, namely Amir Subhani.
2. The District Magistrate, Jehanabad, namely, Alok Ranjan.
3. The District Officer, Jehanabad, namely, Alok Ranjan.
4. The Superintendent of Police, Jehanabad, namely Manish Kumar.
5. The Sub Divisional officer, Jehanabad, District Jehanabad namely Paritosh Kumar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. P. K. Verma, AAG-3
Mr. S. K. Sharma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 21-11-2019

Heard learned counsel for the petitioner and Mr. P. K.

Verma, learned AAG-3, for the State.

2. Pursuant to the order dated 06.11.2019, the District Magistrate, Jehanabad, is present. As per the direction, copies of all the circulars/letters/amendments, which were referred in his order dated 16.08.2018, have also been provided to the Court.

3. Many issues arise in the matter which, in the considered opinion of the Court, indicate that the conduct of the authorities has been technical and one sided. With regard to



what is convenient for them, they rely on such circular and on the other hand, what is inconvenient for them, they have simply brushed it aside on the plea that such circulars/rules/amendments by the government are of a later date, whereas they themselves earlier had relied upon the circular which was much later than the date, with reference to which the consideration had to be made i.e., 19.02.2000. Law is settled in the matter relating to appointment. In a process which starts on a particular date, the time freezes. The same has to be judged and taken to its logical conclusion on the basis of the position existing on the date on which such claim is made, which in the present case would obviously be 19.02.2000.

4. After going through the pleadings and materials on record, though the Court is not satisfied with the order which ultimately has been passed by the District Magistrate, Jehanabad, dated 14.08.2018, purportedly in compliance of the order of the Court dated 11.09.2017 passed in CWJC No.726 of 2017, the Court in its present jurisdiction does not deem it appropriate to go into the merits of such order, as, right or wrong, the ultimate direction to the District Magistrate, Jehanabad, was for consideration of the claim of the petitioner afresh.



5. Having regard to the aforesaid, the application stands disposed off with liberty to the petitioner to move before the appropriate forum, in accordance with law, against the rejection of his claim for appointment on the post of *Chaukidar* under the scheme of nomination by his father, by the District Magistrate, Jehanabad, by order dated 14.08.2018, as contained in Memo No.6 Mu./Sa. dated 16.08.2018.

6. Personal appearance of the District Magistrate, Jehanabad, stands dispensed with.

(Ahsanuddin Amanullah, J)

J. Alam/-

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