

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 11762 of 2014

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Bhawesh Paswan @ Bhawesh Kumar Paswan S/o Bishundeo Paswan R/o
Village- Khiradih, P.S- Parbatta, District- Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Khagaria.
3. Superintendent of Police Khagaria.
4. The Sub- Divisional Officer, Gogari, Distt- Khagaria.

... .. Respondent/s

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For the Petitioner/s	:	Mr Viveka Nand Singh, Advocate
For the State	:	Mr Vijay Bharti, AC to SC III

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 11-02-2019

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

2 On the basis of nomination made by his father, the petitioner has claimed to be appointed as Chaukidar. He has sought quashing of the letter dated 22.12.2012 issued by the Senior Deputy Collector, Khagaria communicating the decision of the District Level Committee to the effect that petitioner may apply for direct appointment only when advertisement is published for the said purpose. Claim of the petitioner for appointment as Chaukidar, by way of nomination, was not found worthy of consideration by the authorities.

3 The State has filed a counter affidavit. It has been submitted that the practice of appointing Chaukidars, on the basis



of nomination, was stopped with effect from the date of issuance of the Circular dated 04.05.2005 issued by the Home (Police) Department under Letter No 4060.

4 In view of the said Circular, the petitioner's claim is not worthy of consideration under notification dated 25.08.2006 issued by the Home (Police) Department. The earlier provisions for appointment by way of nomination was repealed and now a process for appointment has been formulated by the Home (Police) Department. It is only if the petitioner is found successful under the said notification, that he can claim any appointment on the post of Chaukidar.

5 The said averments made in the counter affidavit have not been denied/disputed by filing any rejoinder.

6 In view of the stand of the State Government, prayer made in the writ petition, is not tenable as the practice of appointment of Chaukidar, by way of nomination, has been stopped long back prior to filing of the writ petition.

7 Writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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