

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL WRIT No.18897 of 2015

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Mithlesh Paswan son of Ram Ishwar Paswan, resident of Village-
Sikandarpur, P.S.- Shakurabad, District- Jehanabad.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary Home Department,
Government of Bihar, Patna
2. The Principal Secretary, Home Department Government of Bihar, Patna.
3. The Upper Secretary, Home Department, Government of Bihar, Patna.
4. The District Magistrate, District- Jehanabad.
5. The Superintendent of Police, District- Jehanabad.
6. The Circle Officer, Circle Ratani Faridpur, District- Jehanabad.
7. The S.H.O officer-in-Charge, Police Station- Shakurabad, District-
Jehanabad.
8. Sri Arvind Paswan, Son of Sri Ram Ishwar Paswan, resident of Village-
Sikandarpur, P.S.- Shakurabad, District- Jehanabad.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar & Arvind Prasad Singh
For the Respondent/s : Mr. Manoj Kumar, AC to GP 4

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 26-02-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent State.

A prayer has been made in the writ petition that the
petitioner being the eldest son of his father should be appointed
as Chaukidar in place of his father subsequent upon his
retirement in Circle Ratani Faridpur, District Jehanabad.
Petitioner's younger brother, as per averments in the writ
petition itself, who is respondent No. 8, has been appointed in
place of his father.



Without giving details of his appointment, as to when it has been done, the claim has been made that respondent No. 8 has obtained the employment by practicing fraud and cheating his father on the basis of thumb impression of the father obtained by respondent No. 8. Much has been stated about disqualification of respondent No. 8 for the appointment in question.

The issues raised are disputed questions of fact. Even otherwise, details of the appointment of respondent No. 8 has not been given, nor the same has been challenged in the instant proceeding. Even the date of retirement of petitioner's father has not been mentioned in the writ petition. Apart from insufficiency of pleadings, the writ petition is also not maintainable as the petitioner has claimed his appointment without challenging the appointment of respondent No. 8. Vague assertion made against respondent No. 8 requires adjudication of disputed questions of fact which also cannot be gone into in the instant proceeding under Article 226 of the Constitution of India.

The writ petition, therefore, is devoid of merit. The same is dismissed.

(Madhuresh Prasad, J)

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