

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 7105 of 2015

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Bablu Paswan, son of Alakhdeo Paswan, resident of Village - Chanda, Post –
Chanda, P.S. - Athmalgola, District Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through District Magistrate, Patna
2. Commissioner Home, Government of Bihar, Patna.
3. Secretary Commissioner, Panchayati Raj, Government Bihar, Patna.
4. Senior Deputy Collector, General Section, Patna.
5. District Officer, General Section, Patna.
6. Sub- Divisional Officer (S.D.O., Barh), District - Patna.
7. Block Development Officer, Barh, District - Patna.
8. Circle Officer, Athmalgola, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kartik Kumar Sinha
For the Respondent/s : Mr.Pandey S Sahay

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 30-04-2019

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

2 Exercising his option under the amendment of the
Bihar Choukidar Cadre Rules, 2006 by the Notification of the
Government of Bihar in the Home (Police) Department dated
05.03.2014, the petitioner's father made his application for
voluntary retirement on 30.04.2014 which was to take effect on
31.05.2014. As per the provisions contained in the Notification



dated 05.03.2014, the petitioner's father claimed appointment of his son, i e, the instant petitioner in his place. The petitioner has approached this Court for a direction that the authorities should consider the application filed by his father for his appointment and, after considering the same, direct for appointment of the petitioner as Choukidar under the provisions contained in the above referred Government Notification. Petitioner's father was fulfilling all the requisites for exercising option of appointment of his son in his place upon his voluntary retirement.

3 Counter affidavit reveals that as per the said Notification, the beneficiary's son was required to be X (Tenth) Pass/Matriculate. The admitted position in the instant case is that the petitioner, i e, son had acquired the eligibility of X Pass much after voluntary retirement has taken effect and even after actual date of superannuation of his father. Petitioner has acquired the eligibility of X (Tenth) Pass/Matriculation in the month of September, 2014 as submitted by the learned counsel for the petitioner. The petitioner, therefore, was not possessing the requisite qualification for appointment. Writ petition, claiming the relief for appointment under the said Notification dated 05.03.2014, is, therefore, not worthy of consideration.



4 Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.05.2019
Transmission Date	NA

