

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1478 of 2016

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Laddu Mallik son of Late Chhotelal Mallik, resident of Mohalla Police Line
Campus, Purnea, P.O. Court Compound, P.S.- K. Hat, District- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar through Inspector General of Police, Old Secretariat
Building, Bihar, Patna
2. The Deputy Inspector General of Police, Purnea Region, District Purnea
3. The District Officer, Purnea, District- Purnea
4. Superintendent of Police, Purnea, District- Purnea

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Lalan Kumar Singh, Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar, GA 14
		Mr. Amit Bhaskar, AC to GP 17

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 10-01-2019

Counsel for the petitioner submits that he has been working as a sweeper in the office of the Superintendent of Police, Purnea since the Sweeper who was earlier working in the office has retired on 31.07.2011. He submits that this Court should give a direction that the respondent authority should make his appointment permanent since the post has fallen vacant on account of retirement of earlier Sweeper. Reliance is placed on the recommendation made by Sub-Inspector (Annexure 6) dated 05.07.2015. He has also placed reliance on a communication dated 11.07.2009 issued by the Superintendent of Police, Purnea.

The Respondent authority have stated in the counter



affidavit that the petitioner was engaged from time to time for the services on part time basis and accordingly work was being taken from him for few hours as part time Sweeper. It is further stated in the counter affidavit that on 24.08.2015 a decision has been taken by the Committee of Bihar Police Mens Association, Purnea Branch regarding payment of wages on the monthly basis at the rate of Rs. 2900/- to all working part time Sweepers in the police office including the petitioner from the District Police Welfare fund. The petitioner has been working on the monthly salary of Rs. 2900/- as part time Sweeper in the police office. Such status of the petitioner is evident from the undisputed/undenied averments made in paragraphs 8 and 9 of the counter affidavit.

Since, the petitioner is working as a part time Sweeper on the monthly basis, there is no occasion for this Court to issue any direction in his favour. The communication dated 11.07.2009 which is relied upon by the petitioner also does not confer any right on the petitioner for permanent appointment as the same is merely a direction by the Superintendent of Police to the Head Clerk for engaging Sweepers on daily wage basis.

Petitioner has no enforceable claim for permanent appointment as he has chosen to work on part time basis on the



monthly wages which has been paid from the District Police Welfare Fund as has been mentioned in the counter affidavit. Counsels are in agreement that at present there is no procedure or process going on in the District for permanent appointment. Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

