

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 16483 of 2011

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Mani Bhushan Prasad, Son of Late Ram Lakhan Yadav, Resident of Village -
Bansi Bigha, PS - Ghoshi, District - Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. The DIG, Magadh Range, Gaya
4. The Superintendent of Police, Jehanabad
5. The District Magistrate, Jehanabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : M/s Bindhyachal Singh, Umesh Kumar, Advocates
For the Respondent/s : Mr Manoj Kumar, AC to GP IV

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

19 23-09-2019 Learned counsel for the petitioner is permitted to implead the District Magistrate, Jehanabad as respondent No 5 to this writ petition.

Petitioner's counsel submits that on account of demise of his father, who was working as Dafadar, work was being taken as Dafadar from the petitioner for years together. Before the petitioner's appointment as Dafadar could be finalized, on account of act of bravery, he was selected and appointed as Constable instead of Dafadar. The appointment as Constable, being found to be illegal, was terminated which was assailed by the petitioner in the earlier writ proceedings. The order terminating petitioner's service as Constable is presently



assailed by the petitioner before the Director General of Police (for brevity, DGP) after dismissal of his appeal.

It is submitted that one Amlesh Chaudhary, similarly situated as the petitioner, has been appointed and allowed to function as Dafadar even though he had also been appointed as a Constable earlier, and that appointment as Constable was terminated, as has been done in case of the petitioner. Petitioner, today claims parity with Amlesh Chaudhary and does not wish to pursue his remedy before the DGP seeking reinstatement as Constable. The claim of the petitioner is of parity with Amlesh Chaudhary, who has been appointed as Chaukidar under order dated 18.12.2014 passed by the District Magistrate, Jehanabad.

This Court would observe that since the petitioner has forgone his claim for reinstatement as Constable, the claim of the petitioner has to be considered by the Authorities as the claim is on account of parity with Amlesh Chaudhary. The petitioner, even otherwise, would have been entitled to such appointment on account of death of his father as a serving Dafadar. It is only his appointment in between as Constable that complications arose in the matter.

Since the petitioner has now forgone his claim of



reinstatement as Constable. The claim of the petitioner shall be considered by the District Magistrate, Jehabanad having regard to the order passed in favour of Amlesh Chaudhary on 18.12.2014.

In order to facilitate such consideration and grant of benefits akin to Amlesh Chaudhary, on account of parity, the petitioner's counsel submits that petitioner would make an application before the District Magistrate, Jehanabad within a period of two weeks from today.

In the event, such an application is made, the District Magistrate shall pass orders thereupon showing due regard to the petitioner's claim for parity with Amlesh Chaudhary and grant the benefits admissible to him on account of such consideration within a period of eight weeks thereafter.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

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