

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23509 of 2019

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Alim Gadi @ Alim Gaddi Son of late Faudar Gaddi@ Late Phoujadar Gadi,
Resident of Village- Bhawari, P.S. Balthar, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-Cum-District Magistrate, West Champaran at Bettiah.
2. The Collector Cum-District- Magistrate, West Champaran at Bettiah.
3. The Superintendent of Police, Bettiah, West Champaran
4. The Sub- Divisional Officer, Bettiah Sadar, Bettiah, West Champaran.
5. The Incharge Officer-Cum-Deputy Collector, Zila Samanya Shakha, Bettiah, West Champaran.
6. The Circle Officer, Sikta Block, Sikta, District- West Champaran.
7. The Officer in Charge, Sikta Block, Sikta, District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.Md. Nadim Seraj (Gp5)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-11-2019 Heard both sides.

The petitioner has filed this writ petition to quash the order dated 30.07.2018, as contained in memo No. 834 (Annexure-5), issued under the signature of the Collector-cum-District Magistrate, West Champaran, Bettiah to the extent the same relates to rejecting the claim of Nasrullah Alam, grand son of the petitioner, for appointment as Chowkidar of Sikta Bazar Border falling with Sikta P.S. and pass order afresh in accordance with law.

The petitioner earlier filed CWJC No. 11168 of 2017 and Lalsa Dusadh @ Lalsa Paswan filed CWJC No. 11109 of 2017 and both the writ petitions were disposed of by order dated 17.04.2018 with a direction to the concerned authority to



consider their cases in accordance with law.

The learned counsel for the petitioner submits that by order dated 30.07.2018 (Annexure-5) the District Magistrate, West Champaran, Bettiah dismissed the claim of the petitioner along with claim of Lalsa Dusadh @ Lalsa Paswan that the ward of Lalsa Dusadh @ Lalsa Paswan got requisite qualification after the application presented for appointment on the post of Chowkidar.

It appears from the order dated 30.07.2018 (Annexure-5) that District Magistrate, West Champaran, Bettiah did not consider the eligibility of the petitioner for appointment of his ward on the post of Chowkidar. It also appears from Annexure-5 that the District Magistrate, West Champaran, Bettiah discussed the claim of Lalsa Dusadh @ Lalsa Paswan and found the candidature of his ward for appointment not tenable on the ground that ward of Lalsa Dusadh @ Lalsa Paswan acquired minimum requisite qualification after the date of application for such post but the District Magistrate, West Champaran did not discuss the claim of the petitioner but also rejected the claim of the petitioner.

On the face, it appears that the order Annexure-5 is illegal as the District Magistrate, West Champaran, Bettiah did not give any reason for rejecting the claim of the petitioner and, therefore, I find that the order of the District Magistrate, West Champaran, Bettiah, so far it relates to the claim of the petitioner, is illegal and non sustainable.

Having considered the facts aforesaid, this writ petition is allowed and the order dated 30.07.2018, as contained in memo No. 834 (Annexure-5), issued under the signature of the Collector-cum- District Magistrate, West Champaran,



Bettiah to the extent it relates with the petitioner is set aside with a direction to the Collector-cum- District Magistrate, West Champaran, Bettiah to consider the case of the petitioner afresh in accordance with law and pass reasoned order within two months from the date of receipt of this order.

With the aforesaid direction, this writ petition is allowed.

(Prabhat Kumar Jha, J)

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