

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 19881 of 2011

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1. KAILASH KUMAR TANTI, Son Of Late Narayan Tantwan Resident Of Village and P.O. - Ramchandrapur, Itarhi, P.S. - Amarpur, District - Banka
 2. Ghanshyam Das Son Of Late Dhuri Harijan Resident Of Village - Mohammadpur, P.O. and P.S. - Amarpur, District - Banka
 3. Mantu Paswan Son Of Late Jaldhar Paswan Resident Of Village and P.O. - Bharko, P.S. Amarpur, District - Banka
 4. Yogendra Paswan Son Of Jagdish Paswan Resident Of Village - Faridpur P.O.- Rupsa, P.S. - Amarpur, District - Banka
 5. Kampany Paswan Son Of Late Jagdish Paswan Resident Of Village - Bidhan Chak, P.O. and P.S. - Amarpur District - Banka
 6. Ravindra Goswamy Son Of Yogendra Goswamy Resident Of Village - Banhara, P.S. - Amarpur District - Banka

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR through the Chief Secretary, Government of Bihar, Patna
2. The Secretary Department Of Home, Government Of Bihar, Patna
3. Additional Secretary Department Of Home, Government Of Bihar, Patna
4. The Secretary Department Of Personnel And Administrative Reforms, Government Of Bihar, Patna
5. The Director General Of Police, Police Head Quarters, Old Secretariat, Patna
6. The Commissioner, Bhagalpur Division, Bhagalpur
7. The Deputy Commissioner Bhagalpur Range, Bhagalpur
8. The District Magistrate, Banka District - Banka
9. The Additional Collector, Banka , District - Banka
10. The Sub Divisional Officer, Banka District - Banka
11. The District Welfare Officer, Banka District - Banka
12. The Officer Incharge, General Administration Wing Banka District - Banka
13. The Superintendent Of Police, Banka District - Banka
14. The Deputy Superintendent Of Police, Banka District - Banka
15. The Officer Incharge Amarpur Police Station, District - Banka

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr Md Anis Akhtar, Advocate
For the Respondent/s	:	Mr S S P Yadav, SC XIV



CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 20-02-2020

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

2 Learned counsel for the petitioners submits that being heirs/wards of Chaukidars, the petitioners' claim for appointment as "Aiwazi" Chaukidar was considered and a list for making their appointment as "Aiwazi" Chaukidar was prepared by the District Magistrate, Banka on 20.02.2006. The petitioners' counsel submits that ever since creation of the list, Authorities have convened meetings to consider the issue regarding their appointment, however, the same has not been done.

3 The learned State Counsel submits that the list itself was prepared by the District Magistrate much after issuance of Letter dated 04.05.2005 bearing No 4060 by the Home (Police) Department, Government of Bihar whereby there was a clear mandate that no further appointment was to be done of any "Aiwazi" Chaukidar in the districts. In view of the clear departmental stipulation, the petitioners, as on the date on which the list was prepared by the District Magistrate, i e, 20.02.2006, had no right for seeking appointment as "Aiwazi" Chaukidar being



dependents of Chaukidars who died in harness. Learned counsel for the petitioners draws attention of the Court towards some appointment order issued in respect of some other person as “Aiwazi” Chaukidar on 31.03.2008. The same, however, is in compliance of a decision of this Court passed in CWJC No 8036 of 2000. The case number itself suggests that the right of that petitioner, which has occurred much prior to issuance of the Letter of Home (Police) Department was pending consideration before this Court. Accordingly, that person, who was offered appointment by order dated 31.03.2008 by this Court on account of these attending facts, formed a separate class. The petitioners’ claim has been enlisted only for the first time after issuance of the bar imposed by the Home (Police) Department on 04.05.2005.

4 No enforceable claim is made out for appointment.

5 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	04.03.2020
Transmission Date	NA

