

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4934 of 2020

1. Arjun Kumar Das Son of Ram Das Tatma @ Ram Das Resident of Village- Rajni Prasdi Chowk, Police Station- Murliganj, District- Madhepura.
2. Ramanand Paswan Son of Sitaram Paswan Resident of Village and Post Office- Tarauni Kala, Police Station- Bihariganj, District- Madhepura.
3. Shiv Kumar Paswan @ Shiv Kumar Son of Lakshmi Paswan Resident of Village -Dudhela, Post Office- Hasanpur, Police Station- Madhepura, District- Madhepura.
4. Anmol Paswan Son of Guneshwar Paswan Resident of Village and Post Office- Lakshmipur Chandisthan, Police Station- Kumarkhand, District- Madhepura.
5. Lakshman Paswan Son of Dayanand Paswan Resident of Village - Sripur, Police Station- Madhepura, District- Madhepura.
6. Birendra Rishidev @ Birendra Kumar Rishidev Son of Dev Narayan Rishidev Resident of Village - Tema Bhela, Police Station- Udakishunganj, District- Madhepura.
7. Baijnath Paswan Son of Bhogi Paswan Resident of Village -Rampur, Police Station- Murliganj, District- Madhepura.
8. Jai Kumar Paswan Son of Krit Narayan Paswan Resident of Village- Turkahi, Police Station- Madhepura, District- Madhepura.
9. Suresh Paswan Son of Jagdish Paswan Resident of Village- Rahta, Police Station- Udakishunganj, District- Madhepura.
10. Chandeshwari Paswan Son of Faujdari Paswan Resident of Village- Bajraha, Police Station- Alamnagar, District- Madhepura.
11. Ram Bilash Paswan Son of Kamleshwari Paswan Resident of Village- Lakshmipur (Murli Chandva), Police Station- Udakishunganj, District- Madhepura.
12. Shravan Kumar Paswan Son of Aitvari Paswan Resident of Village and Post Office- Chausa, Police Station- Chausa, District- Madhepura.
13. Shaligram Paswan Son of Basudev Paswan Resident of Village- Ramganj, Police Station- Udakishunganj (Gwalpara), District- Madhepura.
14. Anandi Paswan Son of Hisabi Paswan Resident of Village- Ganaul, Police Station- Alamnagar, District- Madhepura.
15. Dinesh Yadav Son of Late Govind Yadav Resident of Village and Post Office- Gwalpara, Police Station- Gwalpar, District- Madhepura.
16. Collector Paswan Son of Nawvab Paswan Resident of Village- Shahjadpur, Police Station- Udakishunganj, District- Madhepura.
17. Mangal Paswan Son of Mohan Paswan Resident of Village- Sarauni Kala, Post Office- Bihariganj, District- Madhepura.
18. Anirudh Paswan Son of Bindeshwari Paswan Resident of Village- Phuthi Tola, Police Station- Udakishunganj, District- Madhepura.
19. Pawan Paswan Son of Bechan Paswan Resident of Village and Post Office-



Alamnagar, Police Station- Alamnagar, District- Madhepura.

20. Ramchandar Paswan Son of Sukrati Paswan Resident of Village- Bhavanipur, Police Station- Singheshwar, District- Madhepura.
21. Basant Ram Son of Sajjan Ram Resident of Village- Maini Rahi Dhurgaon, Police Station- Madhepura (Bharrahi), District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Department of Home, Patna.
2. The Director General of Police Government of Bihar, Patna.
3. The Deputy Director General of Police Government of Bihar, Patna.
4. The Commissioner Koshi Division, Saharsa.
5. The District Magistrate Madhepura.
6. The Superintendent of Police Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad
For the Respondent/s : Mr.Sheo Shankar Prasad (Sc8)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 14-12-2021

Heard the learned counsels for the parties.

2. In the instant petition, petitioners have prayed for following reliefs:-

“(i) For issuance of writ in the nature of certiorari for quashing of Memo No. 66 dated 16.01.2020 issued by District Magistrate, Madhepura along with provisional Merit List in which the name of petitioners have not been included.

(ii) For issuance of writ in the nature of Mandamus direction to Respondents to include the name of petitioners in merit list by giving age relaxation and also giving relaxation in



qualification for selection and appointment on the post of selection and appointment on the post of Chaukidar in pursuant to Advertisement No. 05 of 2011.

(iii) For issuance of writ in the name of Mandamus direction to Respondents to make selection of petitioners on the post of Chaukidar in pursuant to Advertisement No. 05 of 2011 dated 11.06.2014 as in the compliance of order dated 2.11.2012 passed by this Hon'ble Court in C.W.J.C. No. 14241 of 2007 and order dated 02.11.2017 passed in C.W.J.C. No. 2345 of 2013.

(iv) For issuance of writ in the nature of Mandamus direction to Respondents to consider the case of petitioners in the light of order bearing Memo No. 11872 dated 19.10.2006 whereby petitioners were duly appointed as Chaukidar and worked for a considerable period and after examining the cases of the petitioners and past service record to make selection and appointment of petitioners on the post of Chaukidar.”

3. The petitioners have questioned the validity of memo dated 16.01.2020. Persons whose names are reflected in the memo dated 16.01.2020 along with list have not been impleaded as necessary and proper party to the present petition. Therefore, the petitioners have not made out a case to entertain the present petition for not impleading the necessary and proper party.



4. Accordingly, the instant petition stands dismissed
reserving liberty to the petitioners to file a fresh petition.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	22.12.2021
Transmission Date	

