

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 6471 of 2021

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Devmuni Paswan Son of Chandar Paswan Resident of Village-Dakholi tola,
P.O.-Khawaspur, P.S.-Ekchari, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of General Administration Bihar, Patna
2. The Principal Secretary Home (Police) Department Bihar Patna.
3. The District Magistrate Bhagalpur.
4. The Superintendent of Police, Bhagalpur.
5. The Circle Officer Piparpaiti (Bhagalpur)
6. The Officer Incharge Ekhari Police Station. Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Arvind Kumar Sinha, Advocate
For the Respondent/s : Mr Md Nasrul Hoda Khan, SC I
Mr Md Harun Quareshi, AC to SC I

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 25-08-2022

Heard learned counsel for the petitioner and the State.

2 The petitioner claims that his father was working as *Chaukidar* and had made an application seeking voluntary retirement on 18.02.2015, though his date of retirement was 30.06.2015. The application was made under Clause 3 (Gha) of the Bihar Chaukidar Cadre (Amendment) Rules, 2014 (for brevity, *2014 Rules*) which allows a *Chaukidar* to make an application for appointment of his specified dependents at least two months prior



to his date of retirement. It is under such circumstance that the petitioner claims application to have been made by his father on 18.02.2015. This writ petition has been filed six years thereafter, i.e., on 02.03.2021.

3 In view of this inordinate delay, this Court, under order dated 07.02.2022, has allowed the petitioner an opportunity to file supplementary affidavit placing on record any materials, dates and events so as to overcome the delay in filing this writ petition.

4 Today, when the matter is taken up, on specific query made by this Court, the petitioner's counsel has not referred to any such materials, dates or events. During the course of hearing, he has taken a factually unsustainable plea regarding Pandemic to sustain the long delay which has occurred from the year, 2015 to 2021.

5 This Court would also take notice of the fact that counter affidavit has been filed by the respondent-authorities taking a specific stand that application of the petitioner's father for appointment under the 2014 Rules was not received prior to the petitioner's father's voluntary retirement. Such averment made in the counter affidavit has not been denied or disputed as no rejoinder or reply to the counter affidavit has been filed.



6 There is no occasion for this Court to interfere with the order rejecting the petitioner’s claim, in view of the reasons noted above.

7 Writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.09.2022
Transmission Date	NA

