

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10345 of 2020

1. Sanjay Kumar Sah son of Sri Suresh Sah resident of Village- Bhramarpur, P.S.- Bihpur, District- Bhagalpur.
2. Bablu Paswan son of Sri Chhattish Paswan resident of Village- Narainpur, P.S.- Bihpur, Bhawanipur, District- Bhagalpur.
3. Niranjana Paswan son of Nawal Kishore Paswan resident of Village- Narkatia, P.S.- Bihpur, District- Bhagalpur.
4. Luri Paswan son of Bodhan Paswan resident of Village- Marwa, P.S.- O.P. Jhandapur, (Bihpur), District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate, Bhagalpur.
4. The Senior Superintendent of Police, Bhagalpur.
5. The Superintendent of Police, Bhagalpur.
6. The Deputy Collector, Bhagalpur.
7. The Deputy Development Commissioner, Bhagalpur.
8. The Deputy Superintendent of Police, Naugachhia, Bhagalpur.
9. The Circle Officer, Bihpur, Bhagalpur.
10. The Police Inspector, Bihpur, District- Bhagalpur.
11. The Officer Incharge, Bihpur Police Station, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha
For the Respondent/s : Mr. Manish Kumar, GP-4

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 13-05-2022

Heard the matter through virtual Court
proceedings.

In the instant petition, petitioners have prayed for
the following relief/reliefs:

“That this writ application is



being filed for issuance of an appropriate writ/writs and order/orders in the nature of mandamus for directing and commanding the respondents to consider the case of the petitioner for their appointment and after such consideration appoint them on the post of Chowkidar forthwith with all consequential benefits in pursuance to the government resolution bearing Memo No. 1896 Patna dt. 5/3/2014 issued by the Home (Police) Dept, Bihar, Patna by which certain amendment has been made for appointment on the post of Chaukidar. Keeping in view of the facts that petitioners are dependents/son of Chaukidar, who has taken voluntary retirement more than one month before their retirement and as much as on the basis of the law lays down by this Hon'ble Court in CWJC No. 1109/2016 dt. 22/6/2017 with all legal and consequential benefits at last from the date their application have been received by the authority for such appointment and further for any other appropriate relief or relieves for which the petitioners are entitled in



the facts and circumstances of the instant case.”

The aforesaid relief is not supported by material information like representation followed by statutory right vested with the petitioners. In the absence of the aforesaid ingredients, the present petition is not maintainable in the light of Apex Court decision in the case of ***Mani Subrat Jain Vs. State of Haryana reported in 1977 (1) SCC 486*** read with ***Union of India vs. Arulmozhi Iniarasu reported in (2011) 7 SCC 397.***

Accordingly, the present petition stands disposed of, reserving liberty to the petitioners to approach the concerned authority in establishing statutory right vested with the petitioner read with representation. If such representation is submitted, the concerned authority shall decide the petitioners’ grievance at the earliest.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.05.2022
Transmission Date	NA

