

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12641 of 2019

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Md. Rizwan S/o Md. Nurullah, R/o Village-Majhaul, Ward No. 14, P.S.-
Nauhatta, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Home, Govt. of Bihar, Patna.
2. The District Magistrate, Saharsa
3. The Superintendent of Police, Saharsa.
4. The S.D.O. Saharsa
5. The Circle Officer Nauhatta. District-Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Md. Harun Quareshi, Adv
For the Respondent/s	:	Mr. Sheo Shankar Prasad (SC-8) Ms. Ruchikar Jha, AC to SC-08

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 20-12-2022

Heard learned counsel for the petitioner and
learned counsel for the State.

2. The petitioner's mother was working as Chawkidar and it is the petitioner's case that her due date of retirement was 31.05.2018 and prior thereto she has made an application under the Bihar Chaukidari Cadre (Amendment) Rules, 2014 ('Chaukidari Rules' for short) nominating the petitioner to be appointed in her place. The petitioner has claimed that the application was submitted on 05.04.2018, i.e., before the date of superannuation of his mother.

3. The application, however, has been rejected by the authorities, which is apparent from the impugned



communication dated 28.02.2019, made from the Office of In-charge Officer, District General Section, Saharsa to the Circle Officer, Nauhatta, wherein it is stated that the petitioner's mother has given her application in the Office of the Civil Surgeon on 11.07.2018.

4. Learned counsel for the petitioner however asserts that the application was received in the Office of Civil Surgeon on 05.04.2008. This fact was admitted in the counter affidavit filed by the District Provident Fund Officer, Saharsa.

5. Under the circumstances, this Court had called for the original records. The Court had also asked the District Magistrate to file an affidavit in this regard.

6. The counter affidavit, which has been filed on behalf of the District Magistrate (Respondent No. 2), has placed on record photocopy of relevant pages of the receiving register, wherein receiving of the petitioner's application has been recorded.

7. In the relevant extract of the receiving register, the application of the petitioner's mother is appearing at Serial No. 255-2 on 12.07.2018.

8. Copy of the application submitted by the petitioner, which was received in the Office of Circle Officer, Nauhatta,



has also been enclosed. The same does not bear any receiving of 05.02.2018, as claimed by the petitioner. The hand-written acknowledgment at two places, apparently inscribed by the office of the respondents, bears two dates i.e., 12.07.2018 and 20.07.2018. The original records also have corroborated the same position.

9. Since the date of retirement of petitioner's mother was 31.05.2018, the application which has been made, post-retirement, after severance of the master-servant relationship between the petitioner and the State, there is no occasion for authorities to consider the application.

10. Upon going through the documents and considering the rival submission of the parties, as well as the original records, this Court does not find any reason to interfere with the rejection of the petitioner's claim under order dated 28.02.2019, which is impugned in the instant writ petition.

11. The writ petition is dismissed.

(Madhuresh Prasad, J)

SUMIT/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.12.2022
Transmission Date	NA

