

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1212 of 2019

In
Civil Writ Jurisdiction Case No.160 of 2019

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Surendra Paswan, Son of Late Jeetan Paswan, Resident of Bahadurpur Mehta Tola Harda, P.S.- K. Hat, District- Purnea, then posted as a Choukidar, Maranga, P.S. in the District of Purnea.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Bihar, Patna.
2. The Principal Secretary, Department of Home, Bihar, Patna.
3. The Under Secretary, Department of Home, Bihar, Patna.
4. The District Magistrate, Purnea.
5. The Circle Officer, Purnea East, District- Purnea.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sunil Kumar Singh, Advocate
For the Respondent/s : Mr. Saroj Kumar Sharma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 16-08-2022

Heard the learned counsels for the parties.

2. In the present Letters Patent Appeal, appellant has assailed the order of the learned single Judge dated 04.07.2019 passed in C.W.J.C. No. 160 of 2019. Appellant and two others filed writ petition seeking following reliefs:-

“1. That the petitioners are invoking the writ jurisdiction of this Hon’ble Court for issuance of appropriate writ/writs, order/ orders or direction/ directions commanding upon the respondent authorities



for following reliefs.

I. For issuance of direction upon the respondent authorities to appoint the nominate dependent of the petitioners as a Chaukidar at place of the petitioners under the guideline of Bihar Chaukidar Sambarg (amendment) Rule, 2014.

II. For issuance of direction upon the respondent authorities to make appointment of nominate dependent of the petitioners as a Chaukidar and pay regular salary to them for maintaining their families.

III. Also for any other relief/reliefs for which the petitioners is entitled in the eye of law.”

3. The appellant, Surendra Paswan, while holding the post of Chaukidar, he has attained age of superannuation and retired from service on 31.03.2016. In terms of Annexure-1, he had submitted application to appoint his son as a Chaukidar on 14.07.2018 whereas Annexure-1 stipulate certain criteria. One of the criteria is that Chaukidar who is due for retirement is required to submit an application before one month from the date of his retirement for his dependent's appointment to the post of Chaukidar. The appellant has not complied the criteria laid down in Annexure-1.

4. In the light of these facts and circumstances, the appellant has not made out ground to issue direction to consider



his application dated 14.07.2018 for his son’s appointment to the post of Chaukidar. We find no *prima facie* case is made out so as to interfere with the order of the learned single Judge dated 04.07.2019 passed in C.W.J.C. No. 160 of 2019.

5. Accordingly, the present L.P.A. stands dismissed.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

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