

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.672 of 2023

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Anuj Yadav Son of Sri Ramchandra Yadav Resident of Village- Karma Bigha,
P.S. and District- Aurangabad. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar at Patna.
2. The District Collector-Cum-Chairman, Voluntary Retirement Committee of
Dafadar/Chaukidar, Aurangabad.
3. The Superintendent of Police, Aurangabad.
4. The Deputy Development Commissioner, Aurangabad.
5. The Deputy Collector (Establishment) Aurangabad.
6. The In-Charge Officer, General Administration Section, Aurangabad.
7. The Sub-Divisional Officer, Aurangabad.
8. The Sub-Divisional Officer, Daudnagar, District- Aurangabad.
9. The Executive Engineer, PHED, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Sinha, Sr. Adv. Mr. Bhola Kumar, Advocate
For the Respondent/s	:	Mr. Ravi Shankar, Advocate Mr. Sheo Shankar Prasad, SC-8

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-03-2023 Learned senior counsel for the petitioner submits that the father of the petitioner had applied for voluntary retirement only on 07.12.2015 when he was due to retire on 31.12.2015, therefore, his application for voluntary retirement was not accepted. On this point, there is no quarrel that such application for voluntary retirement should have been submitted at least 30 days prior to the due date of retirement.

Learned senior counsel submits that at this stage the petitioner would be satisfied if this Court only makes it clear that in future if any vacancy is advertised and appointments are made, the



petitioner's candidature would not be rejected only on the ground that earlier he was not considered for appointment in place of his father.

Learned counsel for the State submits that such apprehension of the petitioner is wholly misplaced. In the present case, the limited scope of consideration is as to legality and validity of the order as contained in memo no.06 dated 16.09.2019 (Annexure- '1' to the writ application) wherein the reason for rejection of the case of the petitioner has been indicated. Since there is no illegality with the said order, this writ application need not be entertained.

Having regard to the facts and circumstances and the materials available on the record, this Court finds that the challenge thrown to Annexure- '1' to the writ application has already lost its significance in view of the stand taken by learned senior counsel for the petitioner. So far as his apprehension that the petitioner may not be considered in future is concerned, this Court finds no basis for the same. It will depend upon his eligibility and fulfilling of the requirements of the advertisement as to whether he should be considered or not.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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