

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2299 of 2023

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Dinesh Paswan Son of Babulal Paswan, Resident of Village- Chaksahawali,
P.S.- Jandaha, District- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Govt., Patna, Bihar.
2. The Commissioner, Tirhut Commissioner, Muzaffarpur.
3. The District Magistrate, Vaishali.
4. The Superintendent of Police, Vaishali at Hajipur.
5. The Circle Officer, Jandaha, Vaishali.
6. The Officer-in- Charge of Jadaha Police Station Jandaha, Vaishali.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar, Advocate Mr.Vinod Kumar Ray, Advocate
For the Respondent/s	:	Ms.Divya Verma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and Ms.

Divya Verma, learned AC to AAG-3 for the State.

Petitioner in the present case is seeking a direction to
the respondent authorities to take a decision on his application
for appointment as Chaukidar/ Dafadar.

Learned counsel for the petitioner submits that the
case of the petitioner was considered for appointment on the
post of Chaukidar by virtue of proviso ꣳ to sub-Rule (7) of Rule
5 of Bihar Chaukidar Cadre (Amendment) Rules, 2014
(hereinafter referred to as the “Rules of 2014”). It is submitted
that a recommendation was made in favor of the petitioner but



the petitioner has yet not been appointed. In this regard, the representations were also made by him but of no avail.

Learned counsel for the State submits that recently vide judgment dated 25.02.2023, the Hon'ble Division Bench of this Court has in the case of **Devmuni Paswan versus the State of Bihar and Others in LPA No. 508 of 2022** held that proviso to sub-Rule (7) of Rule 5 of the Rules of 2014 ultra vires. It is submitted that when the very provision has been held violative of Articles 14 and 16 of the Constitution of India, the petitioner cannot claim his appointment by virtue of the said provision.

This Court agrees with the submissions of learned counsel for the State.

This writ application is dismissed.

(Rajeev Ranjan Prasad, J)

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