

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2755 of 2023

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Md. Jawed Akhtar S/o Md. Sarfuddin resident of Moh - Kallughat, Ward No. - 02, P.O. - Pathamari, Thakurganj, Dalligaon, Dist. - Kishanganj, Bihar - 855116. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home (Police), Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Kishanganj, Bihar.
3. The Officer on duty Cum Officer-in Charge, District - General branch, Kishanganj,
4. The Circle Officer, Thakurganj, Dist. - Kishanganj,

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Upadhyay
For the Respondent/s : Mr.Ajay Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-04-2023

Heard learned counsel for the petitioner and the State.

Petitioner in the present case is seeking the following
reliefs:-

“(i) For issuance of writ of certiorari or any other appropriate writ for quashing and setting aside the order dated 26.06.20 by Respondent no.2 by which District Chowkidar Compassionate Committee has taken decision of cancel the appointment of the petitioner as Chowkidar in place of his father in light of memo no.1896 dated 05.03.2014.

(ii) For issuance of writ of mandamus directing the respondent authority to take into consideration for appointment of the petitioner as Chowkidar in place of his father retirement/voluntary retirement in light of the stipulation present at Clause 3(ii) 7() of the notification bearing 1896 dt. 05.03.2014.

(iii) For grant of any other relief or reliefs for which



the petitioner may be found entitled in course of hearing of this writ application.”

Learned counsel for the petitioner having realized that this case is covered by the Hon’ble Division Bench judgment of this Court in the case of Devmuni Paswan Vs. The State of Bihar & Ors. decided on 25.02.2023 in L.P.A. No.508 of 2022 submits that since the very provision on which he was claiming his right has been held ultra vires, he would not press this writ application keeping his rights reserved that in case such judgment is interfered with or reviewed at appropriate level, he may file a fresh writ application.

Permission is granted.

This writ application is dismissed as withdrawn.

(Rajeev Ranjan Prasad, J)

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