

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2666 of 2023

Naresh Paswan, Son of Shyam Lal Paswan @ Shyamlal Hazra, Resident of
Village Belsandi, P.S.-Gounaha, District-West Champaran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home (Police) Department, Bihar, Patna.
2. The Home Secretary, Home (Police) Department, Bihar, Patna.
3. The Under Secretary Home (Police) Department, Bihar, Patna.
4. The District Magistrate, West Champaran at Bettiah.
5. The Incharge Officer, District General Section, West Champaran at Bettiah.
6. The Superintendent of Police, West Champaran at Bettiah.
7. The Anchal Adhikari Circle Gounaha, West Champaran at Bettiah.
8. The Officer-in-charge, Matiarua Police Station, West Champaran at Bettiah.

... .. Respondents

Appearance :

For the Petitioner : Mr.Jainendra Kumar Pushkar, Advocate
For the Respondents : Mr. Ajay Kumar, AC to GP-4

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 a direction to the respondent authorities to consider his case for appointment on compassionate ground on the post of Chaukidar in place of his father.

Learned counsel for the petitioner submits that father of this petitioner was working as Chaukidar. He retired from service on 30.09.2007. On 01.11.2007, he filed an affidavit nominating the petitioner for the post of Chaukidar.

Learned counsel submits that at the relevant time



there was a Government policy contained in letter no. 11287 dated 20.12.1995 whereunder provisions were provided for the appointment of the nominee of the ongoing Chaukidar after taking an appropriate bond.

Learned counsel submits that even as the father of the petitioner nominated him and filed affidavit in the year 2008, the petitioner was not given the appointment. It is submitted that in the year 2014 Bihar Chaukidar Cadre (Amendment) Rules, 2014 (hereinafter referred to as the 'Rules of 2014') was framed whereunder a similar kind of provision was made and under proviso to sub-rule (7) of Rule 5 of the Rules of 2014, it was provided that a Chaukidar may file an application for voluntary retirement w.e.f. the date which should be at least one month prior to the date of his retirement and on such voluntary retirement, his dependent would be appointed on the post of Chaukidar. Learned counsel submits that, in such circumstance, an appropriate direction may be issued by this Court.

On the other hand, Mr. Ajay Kumar, learned AC to GP-4 for the State submits that the proviso to sub-rule (7) of Rule 5 of the Rules of 2014 has already been held ultra-vires by Hon'ble Division Bench Judgment of this Court in the case of Devmuni Paswan Vs. the State of Bihar and Others (LPA No.



508 of 2022). A recent Judgment dated 25.02.2023 passed in the said case has been placed before this Court.

Having heard learned counsel for the petitioner and the State, this Court is of the considered opinion that the petitioner is unable to make out any case for a direction to the respondents to appoint him on the post of Chaukidar.

This writ application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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