

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4960 of 2023

=====

Sipahi Paswan Son of Late Ghurbhari Paswan, Resident of Village-Nonara,
Post Office-Kursasan, Police Station-Bhabhua, District-Kaimur at Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary-cum-the Principal Secretary, Home Department, Government of Bihar, Patna.
3. The District Magistrate, Kaimur at Bhabhua.
4. The Superintendent of Police, Kaimur at Bhabhua.
5. The Deputy Collector Land Reforms, Kaimur at Bhabhua.
6. The Sub-Divisional Officer, Bhabhua, Kaimur at Bhabhua.
7. The Circle Officer, Bhabhua, Kaimur at Bhabhua.
8. Ramakant Singh, Resident of Village-Nonra, P.O.-Kursasan, P.S.-Bhabhua, District-Kaimur at Bhabhua.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Umesh Kumar Mishra, Advocate
For the Respondent/s	:	Mr.Md. N.H. Khan (SC-1)
		Mrs. Babita Kumari, AC to SC-1

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-11-2023 The present writ petition has been filed
seeking the following reliefs:-

“1. I. For issuance of an appropriate writ in the nature of Certiorari for quashing the order no. 02/2021 contained in Memo No. 483 dated 11.04.2020 issued by the District Magistrate, Kaimur at Bhabhua, by which, he has terminated the services of the petitioner as Chowkidar by referring to Bihar Govt. Servant



(Classification, Control and Appeal), Rule, 2005 finding that the petitioner had secured the appointment on the post of Chowkidar by furnishing the fake certificate of 8th pass, without considering the fact that only on the report of the Headmaster of the school, where the petitioner had studied, has come to the such a conclusion without considering the fact that another Headmaster, who had issued the certificate to the petitioner in the year 2009, has now died and without a discrete enquiry in the matter, it cannot be said that which Headmaster is true. Furthermore, the entire allegation has been denied by the petitioner in his first as well as second show-cause reply but none of them have been considered. Furthermore, the allegation that his name has been mentioned by erasing the name of other student is concerned, he has categorically stated that in the said column, the name of his father Ghurbari Paswan was also there and, therefore, it cannot be said that the name of petitioner has wrongly been inserted by erasing the name of other student.

II. For issuance of an appropriate writ in the nature of Certiorari for quashing



the order dated 15.11.2022 passed by the Divisional Commissioner, Patna Divisions, Patna in Service Appeal No. 9/2021 the Divisional Commissioner, Patna Division, Patna by 2021 filing Service Appeal No. 9/2021 (Sipahi Paswan vs. the State of Bihar), by which, he has rejected the appeal of the petitioner in a very mechanical manner and has only reiterated the findings of other respondents.

III. For issuance of an appropriate writ in the nature of Certiorari for quashing the enquiry report contained in the order dated 28.04.2018 passed by the DCLR-cum-the Conducting Officer, Kaimur at Bhabhua, which is based on the conjecture and surmises and the same has been passed without application of independent mind as well as the show-cause reply of the petitioner.

IV. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to reinstate the petitioner on the post of Chowkidar, District Collectorate Officer, Kaimur at Bhabhu, along with all consequential benefits, as his services has arbitrarily been terminated by the District Magistrate, Kaimur at Bhabhua



without appreciating the true facts.”

2. At the outset, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law, for redressal of the aforesaid grievances. Liberty, so sought, is granted.
3. The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

