

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21829 of 2011

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Dilip Singh S/o Late Naresh Singh Resident Of Village Sandsa, Police Station
Rishiup, District Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. District Magistrate, Aurangabad.
3. Superintendent Of Police, Aurangabad.
4. Sub Divisional Officer, Aurangabad.
5. Deputy Collector Incharge District General Branch Collectorate,
Aurangabad.
6. Officer Incharge Rishiup Police Station, District Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. K.K. Sinha, Advocate
For the State	:	Mr. Birju Prasad, GP-13
		Mr. Ravi Kumar, AC to GP-13

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 19-07-2023

On 28.06.2023 matter was heard at length and
following order was passed:-

"Heard learned counsels for the
respective parties.

2. Pursuant to earlier order *Mr. Suharsha Bhagat*, District Magistrate, Aurangabad and *Ms. Swapna Jee Meshram*, Superintendent of the Police, Aurangabad are present in the Court.

3. The respondents have taken contention that there are no order of appointment issued to the petitioner. Further, in the attendance register maintained by the jurisdictional officer, petitioner's name is not forthcoming. On this issue, learned counsel for the petitioner submitted that petitioner was appointed on *ad hoc* basis, therefore, he was



not allowed to sign in the attendance register. However, he is relying on Annexure- 5 particulars issued by the Station House Officer consisting three persons including petitioner's name.

4. Perusal of the counter affidavit/ supplementary affidavit, the concerned respondent have not specifically disputed the existence of Annexure – 5. So this Court has to admit the document at Annexure- 5 in the absence of counter affidavit disputed by the 6th respondent or any other official respondent.

5. At this stage, it is necessary to get verified as to serial Nos. 2 and 3 in Annexure – 5, *Mahesh Singh and Vishwanath Singh* services were regularized and they are working or not? Further, if their services have been dispensed, in that event necessary material shall be placed on record to establish that their services have been dispensed on par with the petitioner or the concerned official respondent have taken a decision that *Mahesh Singh and Vishwanath Singh* are also not working in the concerned office. To that effect personal affidavit shall be filed by the District Magistrate after perusal of the complete records before the next date of hearing.

6. Re-list this matter on 12.07.2023.

7. Personal appearance of Mr. *Suharsha Bhagat*, District Magistrate, Aurangabad and *Ms. Swapna Jee Meshram*, Superintendent of the Police, Aurangabad stand dispensed until further order."

2. Respondent No. 2- District Magistrate has filed supplementary counter affidavit dated 10/12.07.2023. In para 7 and 8 of the supplementary counter affidavit it is stated as under:-

"7. That pursuant to that required reports have been submitted by the authorities



concerned before the Superintendent of Police, Aurangabad, who after perusal of the reports of the concerned authorities as well as after verification of office records submitted the required report before the answering respondent i.e. District Magistrate, Aurangabad vide its office letter no. 417/L.C., dated 10.07.2023, along with enclosures, clarifying therein that there is no any evidence with respect to the appointment/nomination of the persons placed in nomination form (as contained in Annexure-5 to the writ petition) namely 1. Dilip Singh, s/o- Late Naresh Singh, 2. Mahesh Singh, S/o- Babhisar Singh and 3. Vishwanath Singh, S/o- Sohan Singh all R/o- village- Sadsa, P.S.- Risiup, District- Aurangabad.

8. That from perusal of the reports of concerned authorities as well as Superintendent of Police, Aurangabad, it is obvious that petitioner Dilip Singh and other persons placed in Nomination form at Sl. No. 1, 2 and 3 (as contained in Annexure-5 to the writ petition) have not been appointed/nominated on the post of Chowkidar/ Dafadar and there is no blood relation/family relation between the petitioner Dilip Singh and Sohan Singh, Dafadar and as such the claim of the petitioner for his appointment on the post of Chokidar/ Dafadar is not based upon the real facts and evidence."

3. In the light of these facts and circumstances and the fact that the petitioner has failed to produce material to show that he has been initially appointed and he has been paid time to time remuneration, petitioner has not made out a case so as to grant reliefs sought in the present writ petition.

4. Accordingly, the present writ petition stands



dismissed.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	28.07.2023
Transmission Date	N.A.

