

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.86 of 2021

In

Civil Writ Jurisdiction Case No.2078 of 2020

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1. Mitan Paswan Son of Late Deo Nandan Paswan, Resident of Village-Purushottampur, Post Office-Painathi, Police Station-Bihta, District Patna
2. Sushma Kumari Daughter of Mitan Paswan, Resident of Village-Purushottampur, Post Office-Painathi, Police Station-Bihta, District Patna

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The District Establishment Committee Under the Chairmanship of District Magistrate, Patna.
4. The District Magistrate, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Circle Officer, Bihta, District-Patna.
7. The S.H.O., Bihta Police Station, District-Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Gopal Govind Mishra

For the Respondent/s : Mr. Suman Kumar Jha, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

4 28-04-2023 Heard Mr. Gopal Govind Mishra, the learned

Advocate for the appellants and Mr. Suman Kumar Jha,

the learned AC to AAG -3 for the State.

The appellants are aggrieved by the decision of



the authorities in not giving employment of a Chowkidar to appellant no. 2, even when her father (appellant no. 1), a serving Chowkidar has declared his intention of taking voluntary retirement much before the due date of his retirement.

It appears from the record that the date of birth shown by appellant no. 1 in his service record is 02.03.1960 which makes his retirement age sometimes in the year 2019. However, there being some dispute with respect to the correctness of the appellant no. 1, he was subjected to a medical test when his date of birth was shifted to an anterior date. This led to the retirement of appellant no. 1 on 28.02.2018. Till that date, he had received his allowances and the application for seeking voluntary retirement is of a posterior date.

Thus, the claim of the appellant no. 1 for appointment of his daughter (appellant no. 2) in his place as Chowkidar, stood frustrated.

The appellants had sought to challenge three proceedings in one writ petition before the learned Single



Judge. Precisely, for this reason the issues could not be thrashed out properly.

Be that as it may, there is no surviving claim of the appellant no. 2 for being appointed on compassionate ground as a Chowkidar in place of appellant no. 1 (her father), who according to the official records, has already retired after receiving all the emoluments and due till the last date of his retirement.

There is no merit in this appeal and the same is dismissed but without any order as to costs.

(Ashutosh Kumar, J)

(Harish Kumar, J)

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