

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.240 of 2023

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1. Jay Ram Paswan Son of Ram Pravesh Paswan Resident of Village- Ararua Tola Bhukhan Bigha, P.S.- Salaiya, District- Aurangabad.
 2. Arjun Paswan Son of Jagdish Paswan Resident of Ward No. 4 Baluganj Barandi, P.S.- Dibra, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Department of Home (Police) Government of Bihar, Patna.
2. The District Magistrate Aurangabad.
3. The Superintendent of Police Aurangabad.
4. The Circle Officer Madanpur District Aurangabad.
5. The Circle Officer Deo, District Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad, Advocate
For the Respondent/s : Mr.Saroj Kumar Sharma, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-02-2023 Heard learned counsel for the petitioners and the State.

Petitioners in the present case have moved this Court for a direction to the respondent authorities to consider their case for appointment as Chowkidar.

Learned counsel for the petitioners submits that the fathers of these petitioners had nominated them while seeking voluntary retirement under the relevant rules governing the service conditions of the Chowkidar namely Bihar Chowkidar Cadre (Amendment) Rules, 2014 (hereinafter referred to as the 'Rules of 2014').



In course of argument, learned counsel for the petitioners submits that the father of petitioner no.1 was due to retire on 05.07.2018, he submitted an application to the District Magistrate, Aurangabad seeking voluntary retirement with effect from 20.12.2017. So far as father of petitioner no.2 is concerned, he had not submitted any application during his service period. He retired from service on 30.06.2015 and submitted an application for appointment of the petitioner no.2 in the year 2017.

Learned counsel for the State submits that so far as the case of petitioner no.2 is concerned, it is evident from his own statement that his father had not submitted application seeking voluntary retirement, therefore, his case would not be covered under the Rules of 2014.

Learned counsel, however, submits that the claim of the petitioner no.1 that his father had submitted application seeking voluntary retirement on 20.12.2017 may be examined and in case it is found to be correct, the competent authority may consider his case in accordance with the Rules of 2014.

In the given facts and circumstances of the case, this Court is of the considered opinion that so far as petitioner no.1 is concerned, let his claim that his father had submitted an



application in accordance with the Rules of 2014 prior to his retirement from service be examined by the District Magistrate, Aurangabad (respondent no.2). If the same is found to be true, the respondent no.2 shall further examine whether the application for petitioner no.1 satisfies the conditions mentioned in the Rules of 2014. An appropriate decision in this regard shall be taken within a period of four months from the date of receipt/production of a copy of this order.

So far as claim of petitioner no.2 is concerned, in the admitted facts of the case where his father had not applied for voluntary retirement under the Rules of 2014, he has not made out a case for direction. His prayer is, therefore, refused.

This application stands disposed of accordingly

(Rajeev Ranjan Prasad, J)

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