

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1223 of 2023

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Grijesh Pandey Son of Keshav Pandey, Resident of Village-Nandna, P.S. Chainpur, District-Kaimur, PIN-821106.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar at Patna.
2. The District Magistrate-cum-Chairman, Dafadar/Chaukidar Voluntary Retirement Committee, District-Kaimur at Bhabhua.
3. The Superintendent of Poice, District-Kaimur at Bhabhua.
4. The Deputy Development Commissioner, District-Kaimur at Bhabhua.
5. The Senior Deputy Collector, District-Kaimur at Bhabhua.
6. The Senior Deputy Collector, General Administration, District-Kaimur at Bhabhua.
7. The Sub-Divisional Officer, Bhabhua, District-Kaimur.
8. The Sub-Divisional Officer, Mohania, District-Kaimur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr. Manoj Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 26-04-2023 No one appears for the petitioner.

This writ application has been filed for the following

reliefs:-

“A. For issuance of a Writ of certiorari or any other appropriate Writ quashing the order dated 21.02.2017 (ANNEXURE-2) passed by the Chaukidar/Dafadar Voluntary Retirement Committee headed by the District Magistrate, Kaimur at Bhabhua whereby the appointment of the petitioner on the post of Chaukidar in the district of Kaimur has illegally been declined.

B. For commanding the respondents concerned to appoint the petitioner on the place of his father in the terms of Rule-5, Sub-Rule (Ka) of the Bihar Chaukidari Cadre (Amendment) Rules, 2014.

C. For passing any other order/direction/s or



appropriate Writ/s in the facts and circumstances of the instant case.”

In the counter affidavit, a statement has been made in paragraph ‘7’ that the father of the petitioner submitted an application on 04.06.2014 before the District Magistrate, Kaimur at Bhabhua in terms of Rule 5 of Sub-Rule (7) of the Provision (ka) of the Bihar Chaukidar Cadre (Amendment) Rules, 2014 with a prayer to appoint his son on the post of Chaukidar in his place. It is stated that the District Magistrate, Kaimur at Bhabhua has sought guidelines from the department.

At this stage, learned counsel for the State informs this Court that in view of the recent Hon’ble Division Bench judgment of this Court in the case of Devmuni Paswan versus The State of Bihar and Others (LPA No. 508 of 2022), the claim of the petitioner for his appointment under Proviso (ka) to Sub-Rule (7) of Rule 5 does not survive as the said provision has been held ultra vires.

In the aforesaid view of the matter, this writ application is being disposed of with liberty to the petitioner to file a fresh writ application, if the said Hon’ble Division Bench judgment is interfered with or reviewed at appropriate level.

(Rajeev Ranjan Prasad, J)

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