

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.144 of 2023

Ashok Ray Son of Late Ram Lakhan Ray Resident of illage-Rampur Ugan,
P.O. Brahmpura, P.S. Motipur, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Home (Police) Department, Government of Bihar, Patna.
3. The District Magistrate, Muzaffarpur, District-Muzaffarpur.
4. The Senior Superintendent of Police, Muzaffarpur, District-Muzaffarpur.
5. The Sub-Divisional Officer, Muzaffarpur West District-Muzaffarpur.
6. The Circle Officer, Motipur, District-Muzaffarpur.
7. The Station Head Officer, Motipur Police-Station, District-Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan, Advocate

For the Respondent/s : Mr. Saroj Kumar Sharma, Ac to AAG-3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-02-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner in the present case is seeking the following
reliefs:-

“(I) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to consider the petitioner’s case for appointment as a Chaukidar under the schemes of the State Government as contained under the Bihar Chaukidari Cadre (Amendment) Rules, 2014 and in view of the nomination made by the petitioner’s father to the petitioner as well as his voluntary retirement through his application dated 26.02.2021 and 25.05.2022.

(II) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be entitled under



the facts and circumstances of the case.”

Learned counsel for the petitioner submits that during his lifetime, the father of this petitioner had sought voluntary retirement and had nominated the petitioner for the appointment on the post of Chaukidar in view of the provisions contained under the Bihar Chaukidari Cadre (Amendment) Rules, 2014. It is further submitted that unfortunately only after a month from the date of submission of his application, the father of the petitioner died in harness. In this regard, the petitioner has brought on record Annexures ‘P-5’ and ‘P-6’ which are the copies of his request letter to allow him to take voluntary retirement and to appoint his son in his place. Annexure ‘P-5’ is addressed to the District Magistrate, Muzaffarpur whereas Annexure ‘P-6’ is addressed to the Senior Superintendent of Police, Muzaffarpur.

Mr. Saroj Kumar Sharma, learned AC to AAG-3 appears for the State and submits that in the nature of the present case, it would be just and proper if the District Magistrate, Muzaffarpur may be directed to look into the matter and take an appropriate decision in accordance with law.

Having regard to the submissions noted hereinabove, in the nature of the grievance of the petitioner, at this stage, this Court deems it just and proper to direct the District Magistrate,



Muzaffarpur to look into the genuineness of the request made by father of the petitioner vide Annexure 'P-5' to the writ application, consider the same keeping in view the rules on the subject and take an appropriate decision thereon within a period of four months from the date of receipt/communication of a copy of this order.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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