

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2226 of 2023

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Gudiya Kumari Daughter of Rajdeo Paswan and Wife of Ramkewal Paswan
Resident of Village- Banshi Sonbhadra, P.S.- Banshi, District- Arwal.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Home (Police), Government of Bihar, Patna.
2. The District Magistrate, Arwal.
3. The Superintendent of Police, Arwal, Distt.- Arwal.
4. The Circle Officer, Kurtha, Distt.- Arwal.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Shivendra Prasad, Advocate
For the Respondent/s : Mr.Md. Irshad, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-04-2023 Learned counsel for the petitioner has fairly submitted that in this case the petitioner is seeking appointment on the post of Chaukidar by virtue of the proviso क to sub Rule (7) of Rule 5 of Bihar Chaukidar Cadre (Amendment) Rules, 2014 (hereinafter referred to as the “Rules of 2014”). The father of the petitioner was working as Chaukidar and he upon completion of 30 years of his service and crossing the age of 55 years submitted an application to the District Magistrate, Arwal on 04.03.2020 that he may be given voluntary retirement and petitioner be appointed in his place.

Learned counsel admits at this stage that proviso क to sub-Rule (7) of Rule 5 of the Rules of 2014 has been held ultra vires by the Hon’ble Division Bench of this Court in its recent



judgment dated 25.02.2023 passed in the case of **Devmuni Paswan versus The State of Bihar and Others** (LPA No. 508 of 2022), therefore, the claim of the petitioner on the basis of the said rule would not survive.

Mr. Irshad, learned AC to SC-1 is present for the State.

In the given circumstance, this writ application is disposed of keeping in view the judgment of the Hon'ble Division Bench in the case of **Devmuni Paswan** (supra) but with liberty that in case the Hon'ble Division Bench judgment is interfered with or reviewed at appropriate level/court, the petitioner may file a fresh writ application.

(Rajeev Ranjan Prasad, J)

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