

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6579 of 2018**

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Ajay Kumar Singh S/o Late Bishun Devi Singh, R/o Village-Hardaspur, P.S.-  
Baghia Bazar, P.S.-Patori, District-Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Home Police, Bihar, Patna.
3. The Collector, Samastipur.
4. Superintendent of Police, Samastipur.
5. Sub Divisional Officer, Samastipur.
6. Officer in Charge, P.S.-Patori, District-Samastipur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Mallika Mazumdar, Advocate  
For the Respondent/s : Mr.Md. N.H. Khan- SC1

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL JUDGMENT**

**Date : 04-03-2024**

Heard learned counsel for the petitioner and learned  
counsel for the State.

2. Learned counsel for the petitioner submits that  
the petitioner has filed the present writ petition for quashing the  
order No. 1730/Gen dated 4.07.2016 by which he dismissed the  
application of the petitioner for his appointment to the post of  
Chowkidar.

3. Learned counsel for the petitioner further  
submits that one Harihar Singh is the adoptive father of the  
petitioner who was working as Chaowkidar under Patori Police  
Station, Samastipur and after his death, the petitioner being his



adoptive son submitted his application for appointment on compassionate ground, but his application was rejected by the Collector. He further submits that in the order of the Collector, it transpires that demand was made from the Collector's office relating to proof of his adoption son through registered post but it was returned with acknowledgment of the postal peon that 'no trace'. He further submits that due to local village politics, the copy of the said letter issued from the Collector's Office could not be served upon him otherwise the petitioner would be eligible for appointment on the said post.

4. Learned counsel for the State submits that rejection of the petitioner's case has been taken place only due to the reason that at the time of deciding his case he failed to produce his proof of adoption. Learned counsel further submits in view annexure-C i.e. letter dated 29.08.2022, there is no entitlement of the petitioner

5. After having heard the parties and going through the materials available on record, it transpires to this Court that letter issued from the Collector's office demanding the adoption document had not been served upon the petitioner and only on this ground his claim had been rejected, therefore, it is a case in which there is violation of natural justice as the petitioner has



not been provided opportunity to defend himself. As such, the order contained in Memo No. 1730/Gen dated 04.07.2016 is hereby quashed. The petitioner is directed to produce his adoption certificate before the Collector concerned within four weeks along with a copy of this order passed by this Court and the Collector is directed to pass a fresh order in accordance with law within 90 days thereafter.

6. With the aforesaid observation and direction the present writ petition stands disposed off.

**(Dr. Anshuman, J)**

Ashwini/-

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| AFR/NAFR          |            |
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