

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3940 of 2019

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Kamlesh Paswan, Son of Bansi Paswan, Resident of Village- Paharpur
Dariaura, P.S. Amas, District- Gaya.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. Manish Kumar, GP-4

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 30-04-2025 None appears on behalf of the petitioner.

2. Mr. Manish Kumar, learned GP-4 for the State is
present.

3. The petitioner is aggrieved with the decision taken
by the concerned authorities on the application of the father of
the petitioner for his appointment on the post of
Chaukidar/Dafadar in pursuant to a government decision
contained in Communication No. 1896 dated 05.03.2014.

4. Learned Advocate for the State, at the outset,
submitted that the father of the petitioner had already retired
from the post of Chaukidar in Amas Anchal on 30.11.2016 and
he has already withdrawn his salary till the date of his



retirement. Moreover, the application of the father of the petitioner seeking voluntary retirement and to appoint his son in his place was duly considered and came to be rejected by the concerned authority. It is further contended that the issue regarding compassionate appointment of the son of the Chaukidar/Dafadar set at rest by the learned Division Bench of this Court in the case of *Devmuni Paswan Vs. The State of Bihar & Ors.*, reported in *(2023) 2 PLJR 425*, which decision also got affirmed by the Hon'ble Apex Court, holding the proviso to Rule 5(7) contrary to express provisions of the Constitution, being violative of Article 14 and 16 of the Constitution of India.

5. The counter affidavit came to be filed long back on 26th June, 2019 but till date, there is no denial; there is also none to represent the petitioner. In view thereof, considering the settled legal position, the present writ petition stands closed.

(Harish Kumar, J)

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