

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9679 of 2025

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Saroj Kumar, S/o Priyabrat Paswan, Resident of Village-Kushaha East, P.S.-
Kumarkhand, District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home (Special) Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Commissioner, Koshi, Division, Saharsa.
4. The Collector, Madhepura.
5. The Superintendent of Police, Madhepura.
6. The S.H.O. Kumarkhand Police Station, Madhepura.
7. The Circle Officer, Kumarkhand Circle, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bam Bahadur Jha, Advocate
For the Respondent/s	:	Mr. Vivek Prasad, GP-7
		Mr. Sanjay Kumar, AC to GP-7

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-06-2025 Heard Mr. Bam Bahadur Jha, learned Advocate for the

petitioner and Mr. Vivek Prasad, learned Government Pleader

No. 7.

2. At the outset, the petitioner fairly contended that
earlier the petitioner had moved before this Court in C.W.J.C.
No. 19871 of 2015 seeking a direction upon the respondents to
consider the case of the petitioner for appointment on the post of
Chaukidar in place of his father, who has voluntarily took
retirement from the post of Chaukidar. Since the said writ
petition came to be dismissed with a liberty to the petitioner to



avail the alternative remedy, the petitioner approached before the authorities concerned, but to no avail, hence the present writ petition.

3. Mr. Vivek Prasad, learned Advocate for the State apprised this Court that the issue raised before this Court has come up for consideration before the learned Division Bench of this Court in the case of *Devmuni Paswan vs. The State of Bihar & Ors. [2023 (2) PLJR 425]*, wherein proviso to Rule 5(7) of the Bihar Chaukidar Cadre (Amendment) Rules, 2014 has been declared ultra vires and violative of Articles 14 and 16 of the Constitution of India. The challenge to the decision rendered by the Division Bench also failed in the Hon'ble Supreme Court in Special Leave Appeal No. 18983 of 2023 and 12954 of 2023. Referring thereto, it is submitted that now no relief could be granted to the petitioner.

4. This Court finds substance in the submission advanced by learned Advocate for the State.

5. The writ petition is devoid of any merit, accordingly it stands dismissed.

(Harish Kumar, J)

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