

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17765 of 2019

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Kanhai Paswan Son of Ram Prasad Paswan Resident of village - Shankarpur
Sobhan, P.S.- Simri, District- Darbhanga.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Adv.
For the Respondent/s : Md. Harun Quarashi, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-06-2025 Heard the parties.

2. The issue raised in the present writ petition had come up for consideration before the Division Bench of this Court in the case of *Devmuni Paswan Vs. The State of Bihar & Ors., (2023) 2 PLJR 425*, wherein the proviso to Rule 5(7) has been declared ultra vires and violative of Article 14 and 16 of the Constitution of India. The challenge to the decision rendered by the Division Bench has also failed before the Hon'ble Apex Court in Spl. Leave Appeal No. 12954 of 2023 and further in Spl. Leave Appeal No. 18983 of 2023.

3. Learned Advocate for the petitioner, at this stage, submits that the decision of the Division Bench came to be



passed on 25.02.2023 and thus, it cannot apply retrospectively.

4. Learned Advocate for the State submits that since the very provision of extending the benefit of appointment on compassionate ground to the wards of *Chaukidar* on account of voluntary retirement came to an end, no relief can be granted to the petitioner.

5. In view of the settled position, as referred to hereinabove, this Court does not find any merit in the writ petition. Accordingly, the present writ petition stand dismissed.

(Harish Kumar, J)

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