

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6229 of 2023

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Ramesh Rai @ Ramesh Ray Son of Late Biro Harijan, Resident of Haka, P.S.-
Amour, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home Department, Government of Bihar, Patna.
3. The Collector, Purnea.
4. The Superintendent of Police, Purnea.
5. The Sub-Divisional Officer, Baisi, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Sheo Shankar Prasad (SC8)

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 23-06-2026 No one appears for the petitioner. Learned counsel for
the respondents is present.

2. The petitioner has filed the instant application for
the following reliefs:

*“i. For quashing the
resolution dated 30.07.2021 under the
nature of the Collector, Purnea
whereby and where under the decision
has been taken against the petitioner
for the appointment on the vacant post
of Chaukidar on the basis of
voluntarily retirement of his father
namely Biro Harijan (Deceased)*



ii. For commanding the respondents to appoint the petitioner to the post of Chaukidar, circle no. 23/1, P.S. Amour to which his father has nominated him in his place.

iii. For holding that the petitioner cannot be denied appointment to the said post for the reason that his father has solemnized second marriage prior to joining of service as Chaukidar.

iv. For any other relief or reliefs for which the petitioner may be deemed entitled to.”

3. The case of the petitioner in brief as evident from the contents of the writ petition is that his father who was working as a *chowkidar* applied for voluntary retirement and appointment of the petitioner in his place on 14.2.2020 before the Collector, Purnea. The proposed voluntary retirement affective from 31.5.2020 was well within the time as he was scheduled to retire on 30.6.2020. Not having been appointed in place of his father, the petitioner has filed the instant writ application.

4. It is submitted by learned counsel appearing for the respondents that the issue arising in the instant writ application was subject matter of the judgment of this Court in the case of



Devmuni Paswan vs. State of Bihar; 2023 (2) PLJR 425 wherein this Court held that proviso to Rule 5(7) of the Bihar Chowkidar Cadre (Amendment) Rules, 2014 being violative of Articles 14 and 16 of the Constitution, the said provision was set aside by the Division Bench of this Court and the application of the appellant therein was rejected.

5. Learned counsel for the respondents further submits that the judgment in the case of Devmuni Paswan (supra) was further subject matter of appeal in the Hon'ble Supreme Court in the case of Bihar Rajya Dafadar Chaukidar Panchayat (Magadh Division) vs. State of Bihar in SLP(C) no.18983 of 2023 and the same was dismissed by order dated 19.3.2025.

6. Having heard learned counsel for the respondents and in view of the submissions made as recorded herein above, the matter in issue already having been concluded by a Division Bench of this Court and upheld by the Hon'ble Supreme Court, the Court finds no merit in the instant application.

7. The application is dismissed.

(Partha Sarthy, J)

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