

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6349 of 2023

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Lutfur Rahman, S/o Hifzur Rahman, Resident of Village- Saidpur, P.S.-
Matihani, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through its Collector, District of Begusarai at Begusarai.
2. The Superintendent of Police, Begusarai.
3. The Sub Divisional Officer, Begusarai.
4. The Station House Officer, Matihani Police Station, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Gupta, Advocate
		Mr. Binod Kumar, Advocate
For the Respondent/s	:	Mr. Shailesh Kumar, AC to GP- 5

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 16-06-2026

This Court has heard Mr. Arun Kumar Gupta, learned Advocate for the petitioner and Mr. Shailesh Kumar, learned Advocate for the State.

2. The petitioner by invoking the prerogative writ jurisdiction of this Court seeking a direction upon the respondents to appoint him on the post of Chaukidar in place of his father, who retired from the post of Chaukidar on 31.03.2020, while he was posted at Matihani police station, Begusarai.

3. Though several submissions have been made on behalf of the petitioner. However, the same was confronted by the learned Advocate for the State and out rightly submitted that



since Rule 5 Sub-Rule-7 (K)(Kh)(G) and (Gh) of Bihar Chaukidar Cadre (Amendment) Rules, 2014 (hereinafter referred to as ‘the Rules, 2014’) was held to be ultra vires Articles 14 and 16 of the Constitution of India by the learned Division Bench in the case of *Devmuni Paswan Vs. The State of Bihar & Ors., reported in 2023 (2) PLJR 425*, no relief could be granted to the petitioner. It is further contended that the order passed by the learned Division Bench of this Court was also questioned before the Hon’ble Supreme Court in SLP(C) No. 18983 of 2023 where the challenge has also been negated.

4. Learned Advocate for the petitioner is not in a position to confront the legal position.

5. In view of the fact that Rule 5 Sub-Rule-7 of Rules, 2014 has been declared ultra vires Articles 14 and 16 of the Constitution of India, this Court does not find the present writ petition survives for any consideration. Accordingly, the same stands dismissed.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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