

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7273 of 2025

1. Mr. Dilshad Son of Md. Naushad Alam, Residing at Village- Dhapi, Ward No.-02, P.S- Jokihaat, District- Araria.
2. Md. Ekhlakh Aalam Son of Md. Jahangir Baitha, Residing at Village- Hansa, Ward No. 10, P.S- Raniganj, District- Araria.
3. Mr. Vipin Paswan Son of Yoganand Paswan, Residing at Village- Bounsi, Ward No. 10, P.S- Bounsi, District- Araria.
4. Md. Ezaz Son of Abdul Qayum, Residing at Village- Durgapur, Ward No. 12, P.S- Bounsi, District- Araria.
5. Mr. Jagdish Manjhi Son of Shri Babulal Manjhi, Residing at Village- Laluabari, P.O- Baharwadi, P.S- Jokihat, District- Araria.
6. Mr. Jitendra Kumar Son of Mr. Kalanand Sharma, Residing at Village- Hasanpur, Ward No. 12, P.S- Raniganj, District- Araria.
7. Mr. Rajkumar Paswan Son of Mr. Rajendra Paswan, Residing at Village- Gadhha, P.S- Raniganj, District- Araria.
8. Shri Dhanjit Kumar Paswan Son of Chandranand Paswan, Residing at Village- Hansa, P.S.- Raniganj, District- Araria.
9. Mr. Nitesh Kumar Son of Srikant Lal Manjhi, Residing at Village- Bokantari, P.O- Bhidbhidi, Police Station- Sikti, District- Araria.
10. Mr. Rakesh Kumar Son of Devanand Manjhi, Residing at Village- Bhebhda, Ward No. 14, P.O. and P.S- Jokihat, District- Arastha.
11. Mr. Ajay Kumar Son of Sukdev Tatma, Residing at Village- Mahalgaon, Ward No.-05, P.S- Mahalgaon, District- Araria.
12. Mr. Amar Kumar Son of Gulabchand Tatma, Residing at Village- Masuria, Ward No.-08, P.S- Mahalgaon, District- Araria.
13. Mr. Ranjit Kumar Sharma Son of Gahan Lal Sharma, Residing at Village- Isarwa, Ward No.-05, P.S.- Mahalgaon, District- Araria.
14. Mr. Angad Kumar Paswan Son of Shivanand Paswan, Residing at Village- Taran, Ward No. 13, P.S.- Jokihat, District- Araria.
15. Mr. Laxman Tatma Son of Sitaram Tatma, Residing at Village- Sisona, Ward No.- 05, P.S- Jokihat, District- Araria.
16. Mr. Gopal Kumar Dharkar Son of Ram Prasad Dharkar, Residing at Village- Azamnagar, Kusiyaogaon, Police Station and District- Araria.
17. Mr. Mithun Kumar Paswan Son of Udayanand Paswan, Residing at Village- Rampur Mohanpur West, Ward No. 12, P.S- Baigathi OP, District- Araria.
18. Mr. Vinod Kumar Tatma Son of Saheb Lal Tatma, Residing at Village- Masuria, Police Station- Mahalgaon, District- Araria.
19. Shri Shiv Shankar Manjhi Son of Rajendra Manjhi, Residing at Village- Palasi, P.O and P.S- Palasi, District- Araria.
20. Shri Rajesh Kumar Paswan Son of Mahendra Paswan, Residing at Village- Pathraha, P.O and P.S- Ghurna, District- Araria.



21. Mr. Mukesh Kumar Manjhi Son of Jivanlal Manjhi, Residing at Village- Vokantari, P.O- Bhidbhidi, P.S- Sikti, District- Araria.
22. Mr. Chandan Kumar Paswan Son of Sadanand Paswan, Residing at Village and P.S- Kursakata, District- Araria.
23. Mr. Dhanshyam Manjhi Son of Mr. Vishnulal Manjhi, Residing at Village- Siktia, Ward No.-04, PO- Kakan, P.S- Jokihat, District- Araria.
24. Mr. Krishna Dev Manjhi Son of Ramiya Devi, Father- Late Baldev Manjhi, Residing at Village- Gosnagar, P.S- Khursakanta, District- Araria.
25. Shri Akash Kumar Son of Shri Jivach Lal Yadav, Residing at Village- Bhawani Nagar, P.S- Bounsi, District- Araria.
26. Mr. Anil Kumar Paswan Son of Mahendra Paswan, Residing at Village and P.O- Bhidbhidi, P.S- Sikti, District- Araria.
27. Shri Shambhu Paswan Son of Jageshwar Paswan, Residing at Village- Sonapur, P.S- Narpatganj, District- Araria.
28. Mr. Birendra Kumar Paswan Son of Shiv Narayan Paswan, Residing at Village- Tamganj, P.S- Narpatganj, District- Araria.
29. Mr. Dharendra Kumar Das Son of Rajendra Prasad Das, Residing at Village- Milki Dumaria, Ward No.-09, Police Station- Phulkaha, District- Araria.
30. Shri Jiva Nand Tatma Son of Shyamlal Tatma, Residing at Village- Palasi, Ward No.-08, P.O and P.S- Palasi, District- Araria.
31. Mr. Kanhaiya Paswan Son of Prem Lal Paswan, Residing at Village- Deep Nagar, Bargaon, Ward No. 11, P.S- Plasi, District- Araria.
32. Shri Dharmanand Manjhi Son of Baidyanath Manjhi, Residing at Village- Kachmoha, P.S- Palasi, District- Araria.
33. Mr. Indal Manjhi Son of Kunai Manjhi, Residing at Village- Beni, Ward No. 12, P.S- Palasi, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The District Magistrate, Araria.
4. The Superintendent of Police, Araria.
5. The Station House Officer, Jokihat, P.S, District- Araria.
6. The Station House Officer, Raniganj P.S., District- Araria.
7. The Station House Officer, Bausi P.S, District- Araria.
8. The Station House Officer, Bhargama P.S, District- Araria.
9. The Station House Officer, Sikti P.S, District- Araria.
10. The Station House Officer, Mahalgaon, P.S, District- Araria.
11. The Station House Officer, Araria P.S, District- Araria.
12. The Station House Officer, Bairgachhi P.S, District- Araria.



13. The Station House Officer, Palasi P.S, District- Araria.
14. The Station House Officer, Ghurna P.S, District- Araria.
15. The Station House Officer, Forbesganj P.S, District- Araria.
16. The Station House Officer, Kursakanta P.S, District- Araria.
17. The Station House Officer, Narpatganj P.S, District- Araria.
18. The Station House Officer, Phulkaha P.S, District- Araria.
19. The Circle Officer, Jokihat, District- Araria.
20. The Circle Officer, Raniganj, District- Araria.
21. The Circle Officer, Bhargama, District- Araria.
22. The Circle Officer, Sikti, District- Araria.
23. The Circle Officer, Araria, District- Araria.
24. The Circle Officer, Palasi, District- Araria.
25. The Circle Officer, Narpatganj, District- Araria.
26. The Circle Officer, Forbesganj, District- Araria.
27. The Circle Officer, Kursakanta, District- Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pintu Kumar Patel, Adv.
For the Respondent/s : Mr.Sumant Kumar Singh, AC to GA2

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-03-2026 Heard Learned Counsel for the petitioners and
Learned Counsel for the State.

2. The present writ petition has been filed with the
following reliefs:-

*(i) For setting aside the order dated
12.12.2024 contained in Memo No. 1660 dated
12.12.2024 issued with the signature of District
Magistrate, Araria whereby the appointment of the
petitioners on the post of Chaukidar has been
cancelled unilaterally without even issuance of
show cause in gross violation of the Principles of*



natural justice.

ii. The petitioners further prays that after setting aside the aforementioned order of cancellation of appointment the petitioners be reinstated in service with all consequential service benefits as they have not been in gainful employment after cancellation of their employment.

3. Learned counsel for the petitioners submits that by the impugned order, the appointment of all the petitioners on the post of Chaukidar has been cancelled unilaterally without even issuance of show cause which is in gross violation of the principles of natural justice. He further submits that admittedly, the petitioners' joining were made prior to 25.02.2023 as order on LPA No.508 of 2022 has been passed on this date, on the basis of which petitioners have been directed to remove from their post. He further submits that the order/judgment passed by the Hon'ble Court shall be applicable from the prospective date and not from the retrospective date. Therefore, the said decision of LPA Bench shall not be applicable upon the petitioners.

4. Counsel further submits that prior to removal of the petitioners, no opportunity of hearing has been granted and in this way, violation of natural justice has been made.

5. Counsel for the State, on other hand, submits that admittedly, the basis of appointment of the petitioners was made



under Rule 5(7) of Bihar Chawkidar Cadre (Amendment) Rules, 2014 and when it was held violative to Articles 14 and 16 of the Constitution of India, then in no case, petitioners are entitled to continue in service and the decision taken by the District Magistrate vide Memo No.1660 dated 12.12.2024, need no interference and it is absolutely passed in accordance with law and in compliance of order passed by the Hon'ble Division Bench.

6. In the light of the submissions made by the parties, it transpires to this Court that all the petitioners were working on the post of Chawkidar in the light of Rule 5(7) of the Bihar Chawkidar Cadre (Amendment) Rules, 2014, which was tested by this Hon'ble Court in C.W.J.C. No.6471 of 2021 and subsequently, challenged in LPA No.508 of 2022 in which final decision has been taken place on 25.02.2023.

7. It transpires to this Court that all the petitioners have been appointed after the year 2021 and the issue was under test before this Hon'ble Court. It travelled before Hon'ble Single Judge and subsequently, before Hon'ble Division Bench and finally, this Hon'ble Court has categorically held that the said rule, namely, the Bihar Chawkidar Cadre (Amendment) Rules, 2014 is violative to the Constitution of India and hence,



the plea taken by the petitioners shall not be available to them as the issue was held under test before this Hon'ble Court.

8. In this view of the matter, this Court is not inclined to interfere and hence, the present writ petition is hereby dismissed.

9. With the aforesaid directions and observations, the present writ application stands dismissed.

(Dr. Anshuman, J)

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