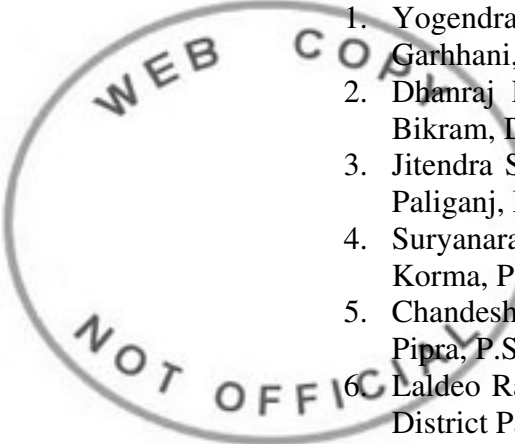


IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16252 of 2007

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1. Yogendra Pandit son of Din Dayal Pandit, resident of village Mandura, P.S. Garhhani, District Bhojpur
 2. Dhanraj Prasad son of Sri Janki Prasad, resident of village Painapur, P.S. Bikram, District Patna
 3. Jitendra Singh son of late Awdesha Sharma, resident of village Bhagioga, P.S. Paliganj, District Patna
 4. Suryanarain Singh son of late Kant Lal Singh, resident of village Khajur Korma, P.S. Rajauri, District Banka
 5. Chandeshwar Prasad Rai son of late Shayam Narain Rai, resident of village Pipra, P.S. Karaghar, District Rohtas
 6. Laldeo Rai son of late Ram Sakal Rai, resident of village Deokuli, P.S. Bihta, District Patna
 7. Surya Narain Pandey son of late Ram Chandra Pandey, resident of village Kaparpura, P.S. Uchkagaon, District Gopalganj
 8. Braj Kumar Thakur son of Sri Amol Thakur, resident of village Rupauli, P.S. Musrigharari, District Samastipur
 9. Ram Awdesha Kumar Rai, son of late Kotlal Rai, resident of village Anandpur, P.S. Bihta, District Patna
 10. Yogendra Prasad son of late Jai Ram Rai, resident of village Keokuli, P.S. Bihta, District Patna
 11. Ayodhya Nath Upadhyay son of late Ram Newaj Upadhyay, resident of village Parasia, P.S. Buxar Industrial Area, District Buxar
 12. Babanji Upadhyay son of Sri Brahmdeo Upadhyay, resident of village Parasia, P.S. Buxar Industrial Area, District Buxar

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna
2. The Secretary, Home (Special) Department, Government of Bihar, Old Secretariat, Patna
3. The Secretary, Personnel and Administrative Reforms Department, Government of Bihar, Old Secretariat, Patna
4. The Joint Secretary, Home (Special) Department, Government of Bihar, Old Secretariat, Patna
5. The Deputy Secretary Home (Special) Department, Government of Bihar, Old Secretariat, Patna
6. The Director General, Bihar Home Guard, Chhaju Bagh, Patna
7. The Additional Commandant General, Bihar Home Guard, Chhaju Bagh, Patna
8. The Deputy Commandant General, Bihar Home Guard, Chhaju Bagh, Patna
9. The Commandant, Bihar Home Guard (Head Quarter), Chhaju Bagh, Patna
10. The Commandant, Bihar Home Guard Special Battalion, Anandpur Camp, Bihta, Patna
11. The Commandant, Bihar Home Guard, Special Battalion, Bhagalpur

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. S.P. Tewari, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, Sr. Advocate, AAG-IX
Mr. Vishwambhar Pd., AC to AAG-IX

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 20-02-2015

The Petitioners seek a writ of mandamus to the respondents to forward their names before the Committee of three Secretaries constituted pursuant to the direction of the Hon'ble High Court dated 7.2.2007 passed in C.W.J.C. No.1156 of 2001 and other analogous cases.

A Counter Affidavit has been filed on behalf of the State explaining therein that after this order a press communiqué was issued by the State, upon which a number of persons were heard and except one person the claims of all others were rejected. The categorical admission of the Petitioners is that they did not appear before the Committee on their own after notification in the press.

Today, the Petitioners submit that the High Court had not directed the State Government to issue a press communiqué to consider the claims of the aggrieved persons and hence they did not appear there. The Department was required to forward their names on their own.

Having gone through the records of the case, I am unable to accept the submissions on behalf of the Petitioners inasmuch as the Government proceeded in a certain manner in accordance with the High Court's order, where the Petitioners did not appear willfully and

hence there was no question of the Department forwarding names of the Petitioners.

Thus, finding no merit in the application. The same is dismissed.

(Anjana Prakash, J)

Narendra/-

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