

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18301 of 2010

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Om Prakash Paswan S/O Late Yadunandan Paswan R/O Vill.- Amiya
Bigha, P.S.- Silao, Distt.- Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Director General Of Police, Bihar, Patna
3. The Director General Of Police, Home Guard, Bihar, Patna
4. The Zonal Inspector General Of Police, Patna Zone, Patna
5. The Deputy Inspector General Of Police, Central Range, Patna
6. The District Magistrate, Nalanda
7. The Superintendent Of Police, Nalanda At Bihar Sharif
8. Home Guard Selection Committee, Under The Chairmanship Of District
Magistrate, Nalanda
9. The District Commandant, Home Guard, Nalanda, Bihar
10. The Block Development Officer, Wen, Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
Amit Kishore Sinha

For the Respondent/s : Mr. (Gp9)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-06-2018

The present writ petition has been filed for quashing the decision taken in the meeting dated 13.07.2010 under the Chairmanship of the District Magistrate, Nalanda of the Homeguard Selection Committee in the District Nalanda whereby and whereunder the selection of the petitioner as Homeguard has been cancelled.

The impugned order dated 13.7.2010 has been passed on the ground that the residential certificate and the caste certificate of the petitioner have been found to be forged and fabricated.

The learned counsel for the petitioner by assailing the



impugned order dated 13.07.2010 has submitted that the same has been passed behind the back of the petitioner without affording any opportunity of hearing to the petitioner herein, in total violation of the principles of natural justice.

It has been contended by referring to Annexure-5 and Annexure-7 of the writ petition that the Block Development Officer, Wen, Nalanda has issued letter stating that the aforesaid two certificates i.e. the Residential Certificate and Caste Certificate pertaining to the petitioner herein have been issued by the said office.

Having regard to the facts and circumstances of the case, the impugned order dated 13.7.2010, as far as the petitioner is concerned, being not sustainable in the eyes of law for the reasons discussed herein-above, is quashed.

It goes without saying that the petitioner shall be considered for appointment on the post of Homeguard, as a consequence of quashing of the impugned order dated 13.7.2010, within a period of eight weeks from today.

The writ petition is allowed.

(Mohit Kumar Shah, J)

BTiwary/-Md Rashid

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