

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8160 of 2014

- =====
1. SATISH KUMAR SINGH Son of Satyadev Singh resident of village - Narouni Tola (Jamalpur), P.O. Amnour, P.S. Marhawah, District - Saran, Bihar
 2. SHIV SHANKAR PANDEY Son of Chandra Shekhar Pandey resident of village + P.O. Rampur Kalam, P.S. Khaira, District - Saran, Bihar
 3. JITENDRA KUMAR DAS Son of Satya Narayan Ram resident of village - Abour East Tola, P.O. Afour, P.S. Khaira (O.P. Nagar), District - Saran, Bihar
 4. MUNA KUMAR YADAV Son of Mahendra Ray resident of village + P.O. Shobhepur, Via Garkha, P.S. Bheldi, District - Saran, Bihar
 5. SHYAM BABU PRASAD Son of Nagnarayan Prasad resident of village + P.O. Rampur, P.S. Marhawah, District - Saran, Bihar
 6. MUKUL KUMAR YADAV Son of Late Bipin Bihari Ray resident of village - Hewantpur (Manpur), P.O. Dighwara, P.S. Dariyapur, District - Saran, Bihar
 7. TINKOO KUMAR Son of Bhola Ray resident of village - Hewantpur (Manpur), P.O. Dariyapur, P.S. Dariyapur, District - Saran, Bihar
 8. AMARENDRA KUMAR son of Banshilal Ray resident of village - Hewantpur (Manpur), P.O. Dighwara, P.S. Dariyapur, District - Saran, Bihar
 9. JAY PRAKASH YADAV Son of Munshi Lal Yadav resident of village - Nawalpur, P.O. Narapaliya, P.S. Dautpur, District - Saran, Bihar
 10. DHARM PRAKASH RAY son of Late Satish Ray resident of village - Hewantpur (Manpur), P.O. Dighwara, P.S. Dariyapur, District - Saran, Bihar
 11. ABHA KUMARI D/o Sidheshwari Kant Verma resident of village + P.O. Rashulpur, P.S. Rashulpur, District - Saran, Bihar
 12. SANGITA KUMARI D/o Kameshwar Ram resident of village + P.O. Parouna, P.S. Taraiyan, District - Saran, Bihar
 13. SHAILESH KUMAR RAM Son of Ambika Ram resident of Village - Samhota, P.O. Kopa Samhota, P.S. Kopa, District - Saran, Bihar
 14. VINAY KUMAR RAY Son of Jay Prakash Ray resident of Village - Samhota Mathiya, P.O. Kopa Samhota, P.S. Kopa, District - Saran, Bihar
 15. CHANDU KUMARI D/O Birendra Singh resident of Village - Badalpura, P.O. Gultenganj, P.S. Doriganj, District - Saran, Bihar
 16. DEVENDRA MANJHI son of Bipat Manjhi resident of village - Soniya, P.O. Telchha, P.S. Janta Bazar, District - Saran, Bihar
 17. RAJESH RAY Son of Fulena Ray resident of village + P.O. Mahato Mushehari, P.S. Chapra Muffasil, District - Saran, Bihar
 18. UEDIT RAY son of Bijay Bahadur Ray resident of village - East Rouja, P.O. Chapra, P.S. Town Chapra, District - Saran, Bihar
 19. RAMESH CHAUDHARY Son of Megha Chaudhary resident of village - Nanafar Bazar, P.O. Jagarnathpur, P.S. Derani, District - Saran, Bihar
 20. PRAMOD KUMAR Son of Shilanath Yadav resident of village + P.O. Gheghata, P.S. Chapra Muffasil, District - Saran, Bihar
 21. GANESH KUMAR Son of Shankar Ray resident of village + P.O. Gheghata, P.S. Chapra Muffasil, District - Saran, Bihar
 22. HARDAN PRASAD Son of Ramprit Mahto resident of village + P.O. Rouja, P.S. Town Chapra, District - Saran, Bihar
 23. AJAY KUMAR GUPTA Son of Arun Kumar Gupta resident of village - Moti Chapra, P.O. Kolhua, P.S. Baniapur, District - Saran, Bihar
 24. DEVANT KUMAR UPADHYAY son of Hari Narayan Upadhyay resident of village + P.O. Mirpur Juara, P.S. Avatar Nagar, District - Saran, Bihar



25. JAY KUMAR SINGH Son of Prabhunath Singh resident of village - Repura, P.O. + P.S. Revelganj, District - Saran, Bihar
26. PRADEEP KUMAR Son of Shivjee Singh resident of village - Narauni Tola (Jamalpur), P.O. Amnour, P.S. Marhawrah, District - Saran, Bihar
27. BHUSHAN KUMAR Son of Kishun Dev Ray resident of village - East Rouja, P.O. Chapra, P.S. Town Chapra, District - Saran, Bihar
28. RAVI KANT KUMAR Son of Rajendra Prasad Yadav resident of village - East Rouja, P.O. Chapra, P.S. Town Chapra, District - Saran, Bihar
29. DILIP KUMAR Son of Jay Prakash Yadav resident of Village - Samhota Mathiya, P.O. Kopa Samhota, P.S. Kopa, District - Saran, Bihar

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home (Special) Deptt. Govt. of Bihar, Patna
2. The Commandant General Home Guards Services, Bihar, Patna
3. The D.M. - Cum - Chairman, Home Guards District Selection Committee, Chapra, Saran, Bihar
4. The Superintendent of Police - cum - Member, Home Guards Distt. Selection Committee, Chapra, Saran, Bihar
5. The District Commandant, - cum - Member, Home Guards Distt. Selection Committee, Chapra, Saran, Bihar null null
6. District Welfare Officer - cum - Member, Home Guards Distt. Selection Committee, Chapra, Saran, Bihar
7. The D.I.G., Chapra, Saran, Bihar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shivadani Singh, Advocate
For the Respondent/s : Mr. Ashok Kumar, SC-11

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 07-08-2018

Heard counsel for the petitioners and the respondent State.

2. The writ petition has been filed by altogether 29 petitioners claiming issuance of a direction to prepare and publish a second select list for filling total number of posts of home guard in the District of Saran pursuant to the Advertisement no. 2 of 2011.



3. The petitioners have challenged the selection process by saying that others who have lesser marks than the petitioners have been appointed and the petitioners' legitimate claim has been ignored.

4. None of the persons who have been selected pursuant to the selection process for appointment on the post of home guard has been impleaded as party respondent.

5. The State of Bihar has filed its counter affidavit wherein specific stand has been taken with respect to all the petitioners. A categorical statement has been made that none of the selected/appointed candidates are having less marks than that obtained by the petitioners. With regard to petitioner no. 23, specific stand has been taken that he was in fact under age and disqualified for appointment on the post of home guard as his date of birth was 09.08.1983.

6. Counsel for the petitioners submits that the list which has been appended to the counter affidavit is not with respect to all the Blocks. Such submission of the counsel for the petitioners is without filing any rejoinder to dispute the assertions made by the respondents in their counter affidavit with reference to the lists. The list of other Blocks have also been annexed. The objection of the petitioner's counsel therefore, appears to be baseless.

7. In view of the aforesaid situation and in view of the



fact that petitioners have not disputed the specific assertions of the respondent State, this Court finds no merit in the instant writ petition.

8. The writ petition is dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

