

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13009 of 2016

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1. Vibha Kumari, wife of Mahesh Kumar Singh, Resident of Village- Madhaul Anant, P.O. - Khairwahar, P.S. - Sheohar, District - Sheohar.
 2. Malti Devi @ Malti Kumari, D/o Late Ram Autar Mahto, Resident of Village - Sheohar, Ward No. 14, P.S. & District - Sheohar.
 3. Ravi Bhashkar Kumar, S/o Ram Naresh Singh, Resident of Village - Gosarpur, P.O. - Jahangirpur, P.S. - Shyampur, District - Sheohar.
 4. Kanhaiya Kumar Singh, Son of Amrendra Kumar Singh, Resident of Village - Khairwahar, P.O. - Khairwahar, P.S. - Sheohar, District - Sheohar.
 5. Praubendra Kumar, S/o Late Jitendra Singh, Resident of Village- Madhopur Anant, P.S. - Sheohar, District - Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Bihar, Patna.
4. The District Magistrate, Sheohar.
5. The Commandant, Bihar Home Guard, Sheohar, District Sheohar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Adv.
Mr. Subodh Kumar, Adv.
Ms. Madhavi, Adv.

For the Respondent/s : Mr. Kumar Pankaj, AC to SC-5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 11-05-2018

Heard Ms. Madhavi, learned counsel appearing for the petitioners and Mr. Kumar Pankaj, learned Assisting Counsel to Standing Counsel No.5 for the State.

The petitioners are aggrieved because they have not been appointed as Homeguard and the reasons can be found at paragraph 8, 10, 14 and 15 of the counter affidavit in which it is stated that although the petitioner no.1 was inadvertently issued appointment letter in place of a candidate of the same name but wife of Chandra



Shekhar Singh, on detection of the error that the lapse was corrected however even the petitioner was directed to participate in the physical test but she refused to accept the communication. Such is the statement made in paragraph 8 of the counter affidavit and not contested by the petitioner. It is further mentioned that the petitioner no.1 was not qualified on height inasmuch as she measured below the prescribed height of 153 centimeters. In so far as the petitioner nos. 2 to 5 are concerned, it is stated in paragraphs 10, 14 and 15 of the counter affidavit that they never qualified in physical test. The statement in the counter affidavit goes uncontested. No cause for interference is made out in the decision making process.

The writ petition is dismissed. The interlocutory application stands disposed of.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15-05-2018
Transmission Date	NA

