

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2234 of 2019

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Nutan Devi, wife of Shri Phool Kumar Mahto resident of village- Bakhri P.O
Dhamsaina P.S.-Saur Bazaar, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary , Bihar, Old Secretariat, Patna
2. The Principal Secretary, Home (Special) Department Bihar Old Secretariat, Patna
3. The Director General Cum Commmandant General, Home Guard, Chhajjubag Patna
4. The District Magistrate Saharsa
5. The Senior District Commandant, Bihar Home Guard Saharsa

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar
For the Respondent/s : Mr.Manish Kumar Gp4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 13-02-2019

Heard Mr. Sanjay Kumar, learned counsel for the petitioner and Mr. Manish Kumar, learned GP 4 for the State.

2. The petitioner has approached this Court for a direction to the respondents to appoint her on the post of Home Gurard in the district of Saharsa for which she had applied pursuant to an Advertisement No. 01/2009 and in which she was declared successful.

3. Learned counsel for the petitioner submits that when the appointment letter was not given to her, she inquired and found that initially she was not considered for being appointed only on the ground that there was only



one post reserved for backward class candidate whereas the petitioner hailed from Extremely Backward Class.

4. However on her representation before the superior authorities, a clarification was sought from the General Administration Department with respect to any action on the representation of the petitioner. Though the petitioner has not been communicated about any decision but from Annexure-5, which appears to have been sent by Senior District Superintendent, Bihar Home Guard, Saharsa to the In-charge Officer, General Administration Department, Saharsa that there is no provision for appointing a lady from rural area as Home Guard.

The reasons for not allowing the petitioner to join as Home Guard, given by two authorities, appear to be diametrically opposite to each other.

5. Till date, the petitioner has not been communicated about the response of the respondent with respect to her claim for being appointed on the post of Home Guard for which she had been declared successful. A representation was earlier filed by the petitioner on 20.11.2018 before the District Magistrate, Saharsa but the same has not been acted upon or responded.

6. Under the aforesaid circumstances, this Court deems it appropriate to direct that a fresh representation be made to the District Magistrate, Saharsa (respondent



no. 4) by the petitioner within a period of four weeks from today. On receipt of such representation, the same shall be disposed of by the District Magistrate, Saharsa by a reasoned order within a period of four weeks thereafter. If the claim of the petitioner is found to be tenable, necessary orders shall be passed taking into account whether the panel prepared in 2010 is still alive for the petitioner to seek any remedy.

7. With the aforesaid direction/observation, the writ petition is disposed off.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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