

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24422 of 2019

1. Suresh Kumar Son of Ram Lakhan Yadav Resident of Village- Tintauliya (Ward No.8), P. S.-Pratapganj, District- Supaul.
2. Manish Kumar Thakur Son of Late Baldeo Thakur, Resident of Village and Post- Veena (Ward No.11) P. S. and District- Supaul.
3. Pawan Yadav Son of Muneshwar Yadav Resident of Village-Makhantoli, P.S. and District- Supaul.
4. Mohan Kumar Thakur, Son of Bishundeo Thakur, Resident of Village and Post- Veena (Ward No.11) P.S. and District- Supaul.
5. Girindra Kumar Mandal, Son of Late Badri Narayan Mandal, Resident of Village and Post- Shakunta, P.S.-Pipra, District- Supaul.
6. Mohan Praasd Yadav Son of Ramanand Yadav Resident of Village and Post- Phulwariya, P.S. Kishanpur, District-Supaul.
7. Dilip Mandal Son of Basudeo Mandal, Resident of Village and Post- Sakhua, P.S.- District-Supaul.
8. Sikandar Thakur, Son of Late Laxmi Thakur, Resident of Village and Post- Garh Baruari, P.S. and District-Supaul.
9. Arun Kumar Mandal, Son of Deodat Mandal Resident of Village and Post- Shakua, P.S. Pipra, District-Supaul.
10. Chandeshwari Prasad Mandal, Son of Jagdish Mandal, Resident of Village and Post- Shakua (Ward No.-8), P.S. -Pipra, District-Supaul.
11. Abhaynandan Thakur Son of Bhola Thakur, Resident of Village and Post- Veena P.S. and District-Supaul.
12. Devendra Prasad Mandal @ Devendra Mandal, Son of Sobhi Mandal, Resident of Village and Post- Veena, P. S. and District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Director General, Home Guard, Govt. of Bihar, Patna.
4. The District Magistrate, Supaul.
5. The Deputy Collector, Supaul, District-Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kanchan Kumar Singh, Advocate
For the Respondent/s	:	Mr. Md.N. H.Khan SC-1 with Md. Harun Quareshi, AC to SC-1.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD



ORAL JUDGMENT
Date : 04-02-2020

Heard Mr. Kanchan Kumar, learned counsel for the petitioners and Md. Nasrul Hoda Khan, SC-1 for the respondent-State.

The case of the petitioners' in the instant writ proceeding is that they were applicants pursuant to the Advertisement No. 1/2006 for appointment as Home Guards. It is the case of the petitioners' that Selection Process remained idle for quite some time. In 2011, a fresh advertisement was published bearing Advertisement No. 2/2011. The petitioners did not apply afresh. The petitioners, however, were issued admit cards under the new process of selection along with applicants pursuant to the Advertisement No. 2/2011. The applicants of 2006 advertisement as well as 2011 advertisement were, therefore, now, required to be subjected to the selection process as per Advertisement No. 2/2011. The petitioners', thereafter, were issued admit cards to participate in the Physical Examination Test. It is the case of the petitioners that date was to be notified separately. The Physical Examination Test, in the District of Supaul, was, thereafter, conducted on 24.09.2009. The petitioners did not come to know about the said date fixed. It is the case of the petitioners', as per Annexure-5, that they got



knowledge about the date of Physical Examination Test, but late. It is, under such circumstances, that they approached the District Magistrate, Supaul, on 11.10.2019, requesting that they be allowed to appear in the Physical Examination Test. This Court made specific query to the petitioner's counsel whether general notice was issued in respect of the Physical Examination Test.

A supplementary affidavit has been filed on behalf of the petitioners in Court itself, wherein, it is stated that Physical Examination Test was notified but only for applicants pursuant to the Advertisement No. 2/2011. In view of such specific assertion made in the supplementary affidavit, it is more than obvious that the petitioners' allegation that there was no notice of the Physical Examination Test to be conducted on 24.09.2019 is untenable. The petitioners' were conscious of the fact that they were, now, being treated as applicants pursuant to Advertisement no. 2/2011 and were to be subjected to the same selection process. The petitioners' allegation, that there was no notice to the petitioners appears to be incorrect. Moreso, since one of the petitioners in his application made to the District Magistrate, Supaul, as contained in Annexure-5 to the writ petition, has said that he acquired knowledge of the date fixed



for Physical Examination Test, but late. There is no averment in the writ petition or supplementary affidavit that no notice was published for physical examination Test. The fact that petitioners came to know about date fixed for physical examination Test belatedly, *per se* cannot be the basis for now issuing a direction for allowing the petitioners to participate in the Selection Process.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.02.2020
Transmission Date	N/A

