

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17835 of 2014

=====

Satya Narayan Prasad Son of Sri Shankar Mahto Village - Khairanpur, P.S. -
Mashrakh, District - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commandant General, Home Guards Services, Bihar, Patna.
3. The District Magistrate-cum-Chairman, Home Guards, District Selection Committee, Chapra, Saran, Bih
4. The Superintendent of Police cum Member, Home Guards District Selection Committee, Chapra, Saran, B
5. The District Commandant, Home Guards, District Selection Committee, Chapra, Saran, Bihar.
6. The District Welfare Officer-cum-Member, Home Guards, District Selection Committee, Chapra, Saran,
7. The D.I.G., Chapra, Saran, Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr.Subhash Pd. Singh, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 29-11-2022 The petitioner has prayed for the following relief (s) :-

“i) For issuance of an appropriate writ/Writs, order/orders, direction/directions upon the respondents, who have not taken part in the alleged selection process, to enquire into and redress properly the grievances of the petitioner in view of alleged irregularity committed by the Home Guards District Selection Committee, Chapra, Saran, Bihar in preparation and/or publication of selection list, which was published on March 4, 2014 for appointment of candidates to Home Guards in the said district against advertisement No. 1/2009



(Annexure-1).

ii) For issuance of an appropriate direction upon the respondents to prepare and publish a second selection list to fill up the total number of posts of Home Guards in the district Saran, Bihar, as the selection list published on March 4, 2014 contains the name of only 132 selected candidates out of a total number of 181 such posts advertised through advertisement No. 01 of 2009, which shows that the said selection list is still deficient by 49 candidates whose merit list has not been published so far.

iii) For issuance of an appropriate direction upon the respondents to publish the merit list of candidates belonging to Block Mashrakh, Saran, Bihar as the selection list published on March 4, 2014 does not contain the merit list of candidates belonging to the said Block Mashrakh although the petitioner, who belong to the said block itself, has also been declared pass in body measurement, physical test and medical examination conducted by respondent authority on January 4, 2014 in the Airport ground at Chapra, Saran.

iv) For issuance of a writ in the nature of mandamus commanding the respondents to give appointment to the petitioner to the post of Home Guards in the District Saran, Bihar after completion of the above mentioned necessary formalities/procedure as the petitioner was declared pass in body measurement, physical test and medical examination conducted by the respondent authorities in the Airport ground at Chapra, Saran.

v) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner will be found entitled in the facts and circumstances of the case.”

In view of response filed by the State and more specifically, para -5 thereof, learned counsel for the petitioner seeks permission to withdraw the present petition reserving



liberty to approach the authorities/take recourse to such remedies, as are otherwise available, in accordance with law.

Para-5 of the response is extracted hereunder :

“5. That the fact behind this case is that as per advertisement and notification published in year 2009, No. 01/09, a roaster was prepared and got approved by the Divisional Commissioner, Saran Division, Saran and was notified and according to which there was no vacancy in General Category for the appointment of Home Guard under the Mashrak Block of Saran District.”

Permission granted.

Needless to add, as and when, the petitioner takes recourse to such remedy, the same shall be considered and decided expeditiously, in accordance with law.

The instant petition stands disposed of as withdrawn with the liberty aforesaid.

Interlocutory application, if any, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/Sujit

U			
---	--	--	--

