

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2675 of 2021

1. Rakesh Kumar S/o Babu Ram Manjhi, Home Guard Constable No. 211601, resident of Village - Surahia, Post and P.S. Barharia, District - Siwan.
2. Ramesh Kumar Gupta S/o Dharamnath Prasad Gupta, Home Guard Constable no. - 211760, resident of Village - Korar, P.S. Basantpur, District - Siwan.
3. Raj Kumar Yadav, S/o Parmeshwar Yadav, Home Guard Constable No. 211766, Resident of Village Sarsar, P.S. - Siwan Muffashil, District - Siwan.
4. Krishna Kumar Ram S/o Tuka Ram Home Guard Constable no. 211699, resident of Village and P.S. - Barharia, District - Siwan.
5. Niku Manjhi Home Guard Constable No. - 221496 resident of Village - Dewapur, P.S. Majhagarh, District - Gopalganj.
6. Santosh Kumar, S/o Rajdeo Chaudhary, Home Guard Constable No. 21589, Village- Mohmadpur, P.S. - Siwan Muffasil, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through that the petitioner Principal Secretary, Home (Police) Department, Bihar, Patna.
2. The Principal Secretary, Home (Police) Department, Govt. of Bihar, Patna.
3. The Additional Chief Secretary, Home Department (Police), Govt. of Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Chairman, Central Selection (Police recruitment) Board, Sardar Patel Bhawan, 6th Floor, Block A/ 626, Jawaharlal Nehru Marg, Patna - 80023.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate
For the Respondent/s	:	Mr. Sanjay Pandey, Advocate
		Mr. Sheo Shankar Prasad, SC 8

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 25-03-2022

The matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.



2. In the instant petition, petitioners have prayed for the following relief/reliefs:

“(i) For direction upon the respondents to allow the petitioners to appear in the Physical Efficiency Test (PET) for selection of Constable in Bihar Police / Bihar Military Police / etc., pursuant to Advertisement No. 02 / 2019 which is scheduled to be held in the month of July 2020 in which petitioners have not been called for PET though they have appeared in the written examination.

(ii) For further direction upon the respondents to declare the petitioner’s written examination outcome as though they are Home Guard constable category, their cases have not been considered as per 50 % vacancies carved out for them in pursuance of clause 17 (ii) of the Advertisement no. 02/2019.

(iii) For consequently direction the respondents to complete the selection procedures of the petitioners after giving due weightage of their experience in Home Guard as constable since year 2017.

(iv) For further stay of the selection procedures of Constable Recruitment in Advertisement no. - 02/2019 till the final outcome of this case.

(v) For alternatively direction the respondents to keep vacant substantive posts of constables in Home Guard reserve category for the petitioner’s till the final outcome of this case.

(vi) For grant of any other relief / reliefs which the petitioners may be entitled to in the facts and circumstances of the present case.”

3. Whereas the present petition was presented on 25.01.2021. As on the date of presentation of this petition process



of Physical Efficiency Test (PET) for selection of Constable in Bihar Police/Bihar Military Police pursuant to the Advertisement No. 02 of 2019 which was scheduled on July, 2020 was already over, therefore, petitioner is not entitled to the aforesaid relief. By any chance the process of Physical Efficiency Test has been deferred and it is likely to be held from 28.03.2022 onwards, in that event, petitioner shall be permitted to participate in the process of Physical Efficiency Test, subject to other eligibility criteria.

4. Accordingly, writ petition is rejected.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

