

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1150 of 2018

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Arjun Roy @ Arjun Kumar Roy, Son of Late Munshi Roy, Resident of
Village- Minapur, P.O.- Salmari, P.S.- Balia Balown, District- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Inspector General, Prison and Reforms Services, Home Prison
Department, Government of Bihar, P
4. The Deputy Inspector General, Administration, Prison and Reforms Service
Directorate, Home Prison
5. The Additional Secretary-cum-Director Training, Inspectorate of Prison and
Reforms Service, Home
6. The Bihar Staff Selection Commission through its Secretary, Veterinary
College, Patna-14.
7. The Secretary, Bihar Staff Selection Commission, Veterinary College, Patna-
14.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Gaurav Govind, Advocate
For the Respondent/s	:	Mr.Sheo Shankar Prasad, SC8
		Mr.Harshvardhan Shivsundaram, AC to SC8

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 11-10-2022 The petitioner's candidature for appointment as Prison

Warder has been rejected by Order dated 18.09.2017 issued by

the Deputy Inspector General (Administration) of Police, Bihar,

Patna.

The background of the order is that the petitioner was

serving as an enrolled Home Guard and had applied for

appointment pursuant to Advertisement No.10 of 2013, which

was meant for trained Home Guards or Ex-Service men. It was a



limited competitive process of selection wherein he has emerged successful but was not appointed because the Authorities were of the opinion that based on the date of birth, as recorded in his matriculation certificate, his initial enrollment as a Home Guard was at a time when he had not attained majority and, therefore, since the initial enrollment as a Home Guard was not in accordance with law he could not claim to be a valid applicant in the limited selection process. The petitioner in the circumstances approached this Court by filing CWJC No.137 of 2016. After considering the matter in detail, this Court passed an order on 21.06.2017 directing that the petitioner be treated as a valid candidate and to consider his claim for selection, treating him as a valid applicant. The respondent, however, has again passed an order by which the petitioner has been held an invalid candidate for the purpose of selection on the same ground which has been considered and Order favourable to the petitioner's claim passed in CWJC No.137 of 2016.

The learned counsel for the petitioner, in view of the Court's expression in his favour on the same issue, submits that the order of the DIG being affront to the judgment of this Court in CWJC No.137 of 2016, he shall be invoking the contempt jurisdiction.



Writ application is disposed of with liberty.

(Madhuresh Prasad, J)

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