

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.131 of 2018**

=====

Rajmohan Giri, S/o Brijkishor Giri, resident of Village- Kurwa Mathia (Giri Tola), P.S.- Chanpatiya, District-West Champaran, Presently posted at Home Guard Personnel (Aarakshshi) within the jurisdiction of Commandant, Bihar Home Guard Force (Bahini) West Champaran at Bettiah.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Home (Police), Bihar, Patna.
3. The Director General-Cum-Chief Commandant, Bihar Home Guard, Bihar, Patna.
4. The Inspector General-Cum-Additional Chief Commandant, Bihar Home Guard, Bihar, Patna.
5. The Commandant, Bihar Home Guard, Head Quarter, Bihar, Patna.
6. The Commissioner, Tirhut Division at Muzaffarpur.
7. The Superintendent of Police, West Champaran at Bettiah.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr.Anshuman Singh, Advocate  
For the Respondent/s : Mr.Sanjay Kumar Ghosarvey, AC to AAG-3

=====

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

10    29-08-2022                      Heard learned counsel for the petitioner and the learned State Counsel.

The writ application seeks direction upon the respondents to grant permanent employment to the petitioner in recognition of his act of bravery.

The petitioner sustained gun-shot injury on his chest in the performance of his duties as Home Guard. In recognition of such act of bravery, there is recommendation made by the Superintendent of Police as well as the Commandant in his



favour. The learned counsel, however, has not been able to show any rule, resolution, or instruction whereunder such recommendation could have been made.

The State has filed counter affidavit(s). Specific stand is that the recommendation made by the Commandant, West Champaran or the Superintendent of Police is not under; or with reference to any provision requiring grant of public permanent employment based on such recommendation.

The petitioner therefore, in the opinion of the Court, does not have any legally enforceable right to claim permanent employment, based on recommendations made by the Commandant, West Champaran. Since no ingredient for enforceable right is made out and the prayer in the writ petition is based on compassion, this Court exercising jurisdiction under Article 226 of the Constitution of India would refrain from issuing any directions based on compassion and having no legal sanction, the writ petition is dismissed.

**(Madhuresh Prasad, J)**

PNM

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

