

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1870 of 2023

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1. Rajeev Raj Son of Patiram Mandal, Resident of Village- Rampur, Mathurapur, P.S.- Shivnaryanpur, District- Bhagalpur.
 2. Ravikant Yadav Son of Kukarr Yadav, Resident of Village- Rampur, Mathurapur, P.S.- Shivnaryanpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Director General-cum-Commander General, Home Guard and Fire Services, Bihar, Patna.
4. The District Magistrate-cum-Collector, Bhagalpur, Bihar.
5. The Deputy Inspector of Police, Bhagalpur, Bihar.
6. The Senior Superintendent of Police, Bhagalpur, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anand Vardhan, Advocate
For the State	:	Ms. Divya Verma, AC to AAG- 3

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 31-08-2023

Heard learned counsel for the petitioners and learned counsel for the State.

2. Petitioners are applicants, pursuant to Advertisement No. 02/2011 for selection of 'Home Guards', under the Backward Classes (for brevity 'B.C.') Category.

3. Learned counsel for the petitioners submits that pursuant to the conclusion of the selection process, posts are



still lying vacant, and therefore, the petitioners should be considered for appointment on the posts.

4. Learned counsel for the State, on the other hand, draws attention of the Court towards Annexure- A, final merit list, wherein the selected candidates' names have been published. Petitioners' names have not appeared in the list of successful candidates because the petitioner Nos. 1 & 2 have secured 10 and 9 marks respectively, whereas the minimum cut-off marks, based on which the last candidate was appointed in their Category (B.C.) is 11. Being below the last selected candidates, and since all the 7 vacancies under the B.C. Category have already been filled up, petitioners have no right to claim consideration, let alone appointment.

5. It is also a specific stand of the respondent-State that there is no provision of preparing second merit list in the matter of recruitment of 'Home Guards', neither as per Rule, nor any departmental guidelines.

6. Learned counsel for the petitioner has also not shown any such Rules or guidelines, based on which they may claim their appointment. This Court is of the opinion that the petitioners do not have any right for consideration against the left over vacancies.



7. Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

Raj kishore/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04-09-2023
Transmission Date	N/A

