

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2600 of 2023

1. Rubi Kumari D/o Ishwari Yadav Resident of Village- Tenibigha, P.S.- Jehanabad, District- Jehanabad.
2. Anju Devi, Wife of Baldeo Singh Resident of Village- Musepur, P.S.- Jehanabad, District- Jehanabad.
3. Rampati Prasad, Son of Babulall Prasad Yadav Resident of Village- Kohra, Tola- Damana Bigha, P.S.- Tehta, District- Jehanabad.
4. Ranjay Chaudhary, Son of Nathun Chaudhary Resident of Village- Bari Kalpa, P.S.- Jehanabad, District- Jehanabad.
5. Santosh Kumar, Son of Mahesh Chaudhary Resident of Village- Barik Kalpa, P.S.- Jehanabad, District- Jehanabad.
6. Narayan Kumar, Son of Jagdeo Yadav Resident of Village- Harna, Tola- Dukhi Bigha, P.S.- Shakurabad, District- Jehanabad.
7. Krishna Ballabh Kumar, Son of Dawarika Singh Resident of Village- Titai Bigha, P.S.- Paras Bigha, District- Jehanabad.
8. Ramjeet Kumar, Son of Pokhan Yadav Resident of Village- Chiraya Tand, P.S.- Shakurabad, District- Jehanabad.
9. Sandip Kumar, Son of Mahendra Rajak Resident of Village- Bajitpur, P.S.- Makhdumpur, District- Jehanabad.
10. Ajad Kumar, Son of Ashok Yadav Resident of Village- Lanjo, P.S.- Kako, District- Jehanabad.
11. Virendra Chaudhary, Son of Ramdev Chaudhary Resident of Village- Lodipur, P.S.- Kako, District- Jehanabad.
12. Satyendra Kumar Son of Jata Sav Resident of Village- Salempur, P.S.- Kako, District- Jehanabad.
13. Rakesh Ranjan, Son of Hulash Singh Resident of Village- Tenibigha, P.S.- Jehanabad, District- Jehanabad.
14. Abhiram Kumar, Son of Vijay Prasad Yadav Resident of Village- Dihuri, P.S.- Hulasganj, District- Jehanabad.
15. Dinesh Kumar, Son of Ramjivan Yadav Resident of Village- Suganu, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Director General of Police, Home Guard, Bihar, Patna.
4. The Additional Director General of Police, Home Guard, Bihar, Patna.
5. The District Magistrate, Jehanabad.
6. The Superintendent of Police, Jehanabad.
7. The Commandant, Home Guard, Jehanabad.



8. The Selection Committee, Home Guard, District- Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Satyendra Prasad Singh, Advocate
For the Respondent/s : Mr.Md. Irshad, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 3 18-07-2023 1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The petitioners have participated in the process of selection of Home Guard under Advertisement No. 2 of 2011 for which the result has been published in 2022, as per Annexure-2 to the writ petition.
3. Learned counsel for the petitioners submits that the petitioners have not been selected though they obtained marks based on which they should have been declared selected.
4. Learned counsel for the State has referred to averments made in the counter-affidavit. The position of the petitioners with reference to the cutoff marks has been specified in Annexure-A to the counter-affidavit. It has specifically been asserted that 13 (thirteen) petitioners had obtained less marks than the last selected candidate in their respective category.
5. In respect of two of the petitioners namely Sandip Kumar and Abhiram Kumar, there is a statement that these two petitioners had obtained marks equivalent to two other persons



in their category. Thus, there was a tie between these two petitioners and the two other candidates.

6. The issue has thus been resolved by giving preference to the candidate based on seniority due to age.

7. From the averments in the counter-affidavit, it is clear that the process was concluded having due regard to merit and based on a valid criteria for resolving the issue arising out of a tie.

8. No case is made out by the petitioners for issuance of any direction in favour of their selection.

9. Writ application is devoid of merit and dismissed.

(Madhuresh Prasad, J)

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