

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4507 of 2023

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Haridev Prasad Yadav Son of Jayotish Lal Yadav Resident of Kharibasti, P.S.-
Kishanganj, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Director General-cum-Mahasamadesta, Bihar, Home Guard, Patna.
3. The Chairman, Jila Grihrachhak Chayan Samiti-Cum- District Magistrate, Kishanganj.
4. The Member, District Home Guard Selection Committee-Cum-The Superintendent of Police, Kishanganj.
5. The Member Secretary, District Home Guard Selection Committee-Cum-The District Samadesta, Kishanganj.
6. The Member Secretary, District Home Guard Selection Committee-Cum-The District Welfare Officer, Kishanganj.
7. Kanchan Kumari, Daughter of Vishnu Mahaldar Resident of Panisal Sindhiya, P.S.- Kishanganj, District- Kishanganj.
8. Babli Kumari, Daughter of Mohanlal Singh Resident of Kuchiyabari Sindhiya, P.S.- Kishanganj, District- Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha, Adv.
For the Respondent/s : Mr.Manish Kumar (GP4)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 19-09-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner is an unsuccessful candidate in Backward Caste-II (BC II) in the process of selection of Home Guard arising out of advertisement No. 02 of 2011. He has approached this Court by way of instant writ petition seeking a direction upon the respondents to select him because he is a



more competent and eligible person.

3. The petitioner himself has placed on record a communication dated 22/07/2022 issued by the office of the District Commander, Bihar Home Defence Corps, Kishanganj in response to his representation dated 12/07/2022 (Annexure-6) informing him that he had obtained less marks than what was obtained by the last selected person in the unreserved category. It has further been specified that there was no vacancy available for BC-II, based on the approved roster.

4. A counter affidavit has been filed on behalf of the Respondent No.5. The very same stand has been taken by the respondent in the counter affidavit in paragraph no. 15 which is not denied or disputed by the petitioner. This court also finds that the communication/rejection by order dated 22/07/2022 has never been assailed.

5. The law is well settled that unless the basic order is put to challenge, the consequences of the same cannot be assailed. In this connection, this court would refer to the decision of the hon'ble Apex court in the case of *Amarjeet Singh and Ors. versus Devi Ratan and others* reported in *(2010) 1 SCC 417*.

6. For the above noted reasons, the writ application



is found to be devoid of any merit and the same is dismissed.

(Madhuresh Prasad, J)

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