

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3782 of 2023

Chhabinath Singh Son of Chetan Singh, Resident of Village- Adalpur, Police Station- Amdanda, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Director General of Police (Home Guard), Bihar, Patna.
4. The Senior District Commandant, Bihar Home Guard, District -Bhagalpur.
5. The Deputy Superintendent of Police (Home Guard), Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Diwakar Yadav, Adv.

For the Respondent/s : Mr. Dharendra Kumar AC to GP-5

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-08-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. Earlier, this petitioner approached this court in CWJC No. 5353 of 2021, with the prayer that he should be allowed to function as Home Guard. The Court found in the said proceedings that the petitioner's prayer was not enforceable. Paragraph No. 03 of the order passed in CWJC No 5353 of 2021 on 29.04.2022, reads as follows:-

*“3. The aforesaid relief is not supported by legal/statutory right followed by demand before the competent authority. In the absence of aforesaid ingredients, present petition is not maintainable in the light of Apex Court's decision in the case of **Mani Subrat Jain V. State of Haryana & Ors.** reported in*



***A.I.R. 1977 SC 276 read with Union of India
Vs. Arulmozhi Iniarasu reported in (2011)7
SCC 397.”***

3. Having observed so, the Court granted liberty to the petitioner to approach the authorities with a request to allow him to continue as Home Guard, which has been rejected. The rejection does not improve the petitioner's claim in any way. The position regarding enforceability of his prayer and the observations in respect thereof, recorded in paragraph no.3 of the order passed in CWJC No. 5353 of 2021, extracted above, remains the same. Therefore, no direction can be issued in favour of the petitioner.

4. Writ petition is dismissed.

(Madhuresh Prasad, J)

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