

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4636 of 2023

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Mukesh Kumar S/o Mahadeo Lal Kapri, Resident of Village - Dumarthar,
P.S.-Chandan, Dist-Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. That Principle Secretary, Home Department, Government of Bihar, Patna.
3. The Director General-cum-Commandant General, Home Guard and Fire Services, Patna.
4. The Director General of Police, Patna.
5. The District Magistrate, Banka.
6. The District Selection Committee through the Chairman cum District Magistrate, Banka.
7. The District Commandant, Home Guard, Banka.
8. The District Superintendent, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar, Advocate.
For the Respondent/s : Mr.Manish Kumar, GP-4.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 21-11-2024 Heard Mr. Vibhakar Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Manish Kumar,

learned GP-4 for the State.

2. The petitioner seeks to withdraw the present writ
petition for availing remedy before the Director General, Home
Guard in light of the subsequent development taken during the
pendency of the writ petition that the Special Leave to Appeal
(C) No. 21079 of 2024 preferred by the State in respect of the
Employment Notice No. 02 of 2011 has been dismissed by the



Hon'ble Supreme Court on 30.09.2024 by not interfering the order passed by the learned Single Judge and confirmed by the Division Bench in L.P.A. No. 645 of 2021.

3. Considering that the vacancy of Home Guard still remains in the District of Banka, as well as, the law laid down by the Apex Court in the case of **Pawan Kumar Vs. Union of India & Anr., reported in 2022 (3) PLJR 330 SC**, the petitioner seeks to file a detailed representation under the facts and circumstances that the petitioner was selected for the post of Home Guard and he had not disclosed about a criminal case pending against him being Chandan P.S. Case No. 193 of 2017 which was lodged on 10.12.2017 subsequent to the advertisement dated 30.07.2011 in the disclosure form i.e. form 'ga' (Annexure-4).

4. Learned counsel further submitted that the case of the petitioner is required to be considered in light of the law laid down by the Apex Court in the case of **Pawan Kumar (supra)**, wherein Apex Court has considered several decisions including the law laid down by the Apex Court in the case of **Avtar Singh Vs. Union of India & Ors., reported in (2018) 1 SCC 268**, which has been subsequently followed in the case of **Rajasthan Rajya Vidyut Prasaran Nigam Ltd. & Anr. v. Anil**



Kanwariya, reported in (2021) 10 SCC 136.

5. Considering the aforesaid submission made on behalf of the petitioner as well as the honourary acquittal of the petitioner, if the petitioner is so advised and vacancy is still available in the District of Banka, may file his representation before the Director General, Home Guard and the Director General, Home Guard may consider the representation of the petitioner in light of the law laid down by the Apex Court and take decision in accordance with law expeditiously without any delay in view of the continuing selection process till date as the final order of the Supreme Court has been passed in Special Leave to Appeal (C) No. 21079 of 2024.

6. The writ petition stands dismissed as withdrawn with liberty to the petitioner to avail remedy before the Director General, Home Guard, Bihar.

(Purnendu Singh, J)

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