

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5642 of 2023

1. Binku Kumari D/o- Jay Nandan Sharma Resident of Village- Murasa, P.S.- Kako, District- Jehanabad.
2. Simpu Kumar, S/o Umesh Sharma Resident of Village- Murasa, P.S.- Kako, District- Jehanabad.
3. Bablu Kumar, S/o- Gajendra Das Resident of Village- Lalachak, P.S.- Kako, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Bailey Road, Patna- 15.
2. The Chief Secretary, Govt. of Bihar, Old Secretariat, Bailey Road, Patna- 15.
3. The Principal Secretary, Home Department, Government of Bihar, Old Secretariat, Bailey Road, Patna- 15.
4. The Director General of Police, Govt. of Bihar, Old Secretariat, Bailey Road, Patna- 15.
5. The Inspector General of Home Guards, Govt. of Bihar, Patna.
6. The State Committee of Home Guards, (Home Guards Selection/Enrollment) through the Chairman, Govt. of Bihar, Patna.
7. The Chairman of the State Committee of Home Guards, for Selection/Fresh Enrollment. Deot. of Home, Govt. of Bihar, Patna.
8. The District Committee of Home Guards, (Home Guards Selection for Fresh Enrollment), District- Jehanabad through the Chairman of Committee.
9. The Chairman and all the members of the Home Guard Selection Committee, (Home Guards Committee for Selection/Fresh Enrollment), District- Jehanabad.
10. The District Magistrate, District- Jehanabad.
11. The Commandant of Home Guards, (Grih Raksha Vahini), District- Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Hridayal Kumar, Advocate
For the Respondent/s : Mr. Manish Kumar (Gp 4)

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 20-06-2024 The petitioners are the applicants for the post of

Home Guards which was proposed to be filed up vide

Advertisement No. 02 of 2011 issued by the Department of



Home(Special) Government of Bihar, Patna on 16th July 2011.

It is found from the letter dated 16.07.2011 issued by the director General of Police Home Guards, Bihar Patna that the Superintendents of Police of each Districts should take immediate steps for filling up the vacancies, taking into account the advertisement Nos. 01/2006 and 01/2009. Thus, it is clear that during the year 2006 and 2009, the Home Guards were not appointed in full as per the vacancies. There were certain backlogs. The selection process of Home Guards in connection with Advertisement No. 02 of 2011 continued for 12 years and on 06th January 2023 the result was published. All the three petitioners were empanelled to be appointed as Home Guards in the District of Jehanabad, but as the authority did not include the backlog vacancies, the petitioners were not appointed as Home Guards.

2. Learned counsel appearing on behalf of the petitioners has referred to the cases of District Saharsa and Jamui where higher number of declared vacancies were filled up but in respect of District Jehanabad the backlogs were not calculated. According to the petitioners, had there been an addition of backlog vacancies, they could have have been inducted as Home Guards under the Home Department.



3. At the time of argument, it is ascertained that the petitioner no. 01 has crossed the cut-off of age limit during this period. It is needless to say that an over-aged person cannot be inducted in a employment. However, petitioner no. 2 and 3 are having the requisite age for being appointed as Home Guards and they were empanelled too.

4. In view of such circumstances, the instant writ petition is disposed of directing the Director General of Police, Home Guards, Bihar, Patna to consider the writ petition filed by the petitioner nos. 2 and 3 as a representation and if they can be accommodated in the backlog vacancies in respect of District Jehanabad to the post of Home Guard, necessary order may be passed by him, in accordance with law.

5. It is made clear that while disposing of the writ petition, I have not gone into the merit of the case and the entire merit is left to the D.G.P., Home Guards to consider the matter on merit, taking the writ petition as representation within six weeks from the date of communication of the order along with copy of the writ petition and its annexures in full.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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