

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5870 of 2023

1. Binod Kumar Vishwas, Son of Raghunandan Vishwas, Resident of Village- Barhouli, P.O.- Sohandar Hat, Police Station- Plasi, Block- Plasi, District- Araria, Bihar- 854329.
2. Rajen Kumar Sharma @ Tatma, Son of Late Jagdish Sharma @ Tatma, Resident of Village- Barkumbha, P.S.- Plasi, Block- Plasi, District- Araria, Bihar 854329.
3. Rohan Kumar Singh, Son of Shotrugan Singh, Resident of Village- Bhadouma, P.S.- Plasi, Block- Plasi, District- Araria, Bihar- 854329.
4. Bal Krishan Chaudhari, Son of Rameshver Chaudhari Resident of Village- Sohagpur, Police Station- Plasi, Block- Araria, Bihar-854333
5. Visvundev Kumar Mandal @ Visunder kumar Son of Narayan Mandal, Resident of Village-Khair Khan, Police Station- Forbesganj, Block- Forbesganj, District- Araria, Bihar 854318.
6. Gopal Kumar Sardar Son of Sadanand Sardar, Resident of Village- Majhua, Police Station- Forbesganj, Block- Forbesganj, District- Araria, Bihar- 834318.
7. Panjak Mandal Son of Brahamanand Mandal, Resident of Village- Kamta Amhara, Police Station- Forbesganj, Block- Forbesganj, District- Araria, Bihar- 834318.
8. Prakash Kumar Mandal Son of Binod Mandal, Resident of Village Bhagkohaliya, Police Station- Forbesganj, Block- Forbesganj, District- Araria, Bihar-834318.
9. Ranjan Kumar Yadav, Son of Ramanand Yadav Resident of Village- Aurahipurav, P.O.- Simraha, Police Station- Simraha, Block- Forbesganj, District- Araria, Bihar- 834318.
10. Sanjeet Kumar Bishwash Son of Baidhnath Bishwash, Resident of Village- Dharamganj, Police Station- Plasi, Block- Plasi, District- Araria, Bihar- 854333.
11. Ajit Kumar Son of Suresh Prasad Yadav, Resident of Village- Bhatton Kamat, Police Station- Bhargama, Block- Bhargama, District- Araria, Bihar- 854202.
12. Babli Kumari, Wife of Pramod Yadav Daughter of Dinesh Yadav Resident of Village- Bhatton Kamat, Police Station- Bhargama, Block- Bhargama, District- Araria, Bihar- 854202.
13. Indra Kumar Chaudhari, Son of Nand Kumar Chaudhari, Resident of Mohalla- Ward No. 10, Jogbani, Haripur, Police Station- Jogbani, Block- Forbesganj, District- Araria, Bihar-854328.
14. Satya Narayan Viswas, Son of Dhaneshwar Biswas, Resident of Village- Malduar, Police Station- Plasi, Block- Plasi, District- Araria, Bihar- 854329.
15. Arpana Kumari, D/o Brahamdev Mehta, Wife of Santosh Mehta, Resident of Mohalla- Ward No. 09, Khutha Baijnathpur, Police Station- Bhargama, Block- Bhargama, District- Araria, Bihar- 854334.



16. Bhupendra Yadav, Son of Rameshwar Yadav Resident of Village- Raghunathpur, Police Station- Bhargama, Block- Bhargama, District- Araria, Bihar-854334.
17. Munna Yadav @Munna Kumar Yadav Son of Sinheshwar Yadav, Resident of Village- Gangkali, P.O.- Kankhudiya, Police Station- Plasi, Block- Plasi, District- Araria, Bihar- 854333.
18. Ramlal Hansda Son of Gopal Hansda, Resident of Village- Kauwa Bari, Police Station- Bounsi. Block- Raniganj, District- Araria, Bihar- 854312.
19. Bhulan Murmur, Son of Babulal Murmur Resident of Village- Sakhubabari, Pahsara, Police Station- Raniganj, Block- Raniganj, District- Araria, Bihar- 854312.
20. Prahlad Kumar, Son of Tejnarayan Yadav, Resident of Village- Raghunathpur, Police Station Bhargama, Block- Bhargama, District- Araria, Bihar- 854334.
21. Upendra Sardar, Son of Vindeshwari Sadar, Resident of Village- Bhayaram, Vishanpur, Sirsiya Kala, Ward No. 09, Police Station- Bhargama, Block- Bhargama, District- Araria, Bihar- 854334.
22. Jaynarayan Uranw, Son of Bhudev Uranw, Resident of Mohalla- Ward No. 14, Gamharia, Police Station- Bhargama, Block- Bhargama, District- Araria, Bihar- 854318.
23. Pinki Kumari, Daughter of Ramchandra Uranw, Resident of Village- Gamrahiya, Sirsiya Kala, Ward No. 14, Police Station- Bhargama, Block- Bhargama, District- Araria, Bihar- 854334
24. Lakshman Uranw, Son of Dharmdeo Umranw, Resident of Village- Gamrahiya, Sirsiya Kala, Police Station- Bhargama, Block- Bhargama, District- Araria, Bihar-
25. Soken Murmu Son of Vishwnath Murmu Resident of Village- Baluva, Kaliyaganj, Ward No. 06, Police Station- Plasi, Block- Plasi, District- Araria, Bihar- 854333.
26. Manjay Kumar, Son of Dilip Yadav Resident of Village- Kaliyaganj, Chhapri, Police Station Plasi, Block- Plasi, District- Araria, Bihar-854333.
27. Yogendra Uranw Son of Bhudev Uranw, Resident of Village Near Middle Schhol Shankarpur, P.S. Bhargama, District- Araria, Bihar- 854318

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary-cum-Principal Secretary, Home Department, Government of Bihar, Patna
3. The Director General of Police, Bihar, Patna
4. The Director General-cum-Commandant General, Home Guard and Fire Services, Patna.
5. The District Magistrate, Araria.
6. The District Selection Committee through the Chairman-cum-District Magistrate, Araria.



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kumar Kaushik, Advocate.
For the Respondent/s : Mr.Md. Nadim Seraj, GP-5.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 12-12-2024 Heard. Mr. Kumar Kaushik, learned counsel
appearing on behalf of the petitioners and Mr. Md. Nadim Seraj,
learned GP-5 for the State.

2. Learned counsel appearing on behalf of the
petitioners seeks similar relief as has been granted to the
petitioner of CWJC No. 11645 of 2019 in which co-ordinate
Bench of this Court vide order dated 05.02.2021 has passed,
inter alia, following order:

*"Considering the aforesaid, although the
Court finds that the entire selection process undertaken
by the respondents is contrary to Advertisement and
vitiates the entire selection process but for the reason
that only two petitioners have approached this Court, the
respondents are directed to consider their case and
accommodate them against the vacancy in the district of
Muzaffarpur if they find the petitioners otherwise eligible
for selection then necessary corrective measure may be
taken by the respondents within a period of three months
from the date of receipt/production of the copy of this
order.*

*With the aforesaid, the writ petition stands
allowed and disposed of."*

3. He further informed that the order dated 05.02.2021
passed in CWJC No. 11645 of 2019 was affirmed by a Division
Bench of this Court in LPA No. 645 of 2021 and after hearing
the parties, the Division Bench has recorded following orders,



which has been reproduced hereinafter:

"CWJC No. 9687 of 2022, CWJC No. 10541 of 2022, CWJC No. 11108 of 2022, CWJC No. 17589 of 2022

5. In the light of the order passed in aforementioned LPAs, rejecting the State appeals, these writ petitions are allowed in the light of the order of the learned Single Judge dated 05.02.2021 passed in CWJC No. 11645 of 2019. Whatever the directions ordered by the learned Single Judge is aptly applicable to each of the petitioner in these bunch of petitions. Accordingly, CWJC No. 9687 of 2022, CWJC No. 10541 of 2022, CWJC No. 11108 of 2022, CWJC No. 17589 of 2022 stand allowed in terms of order dated 05.02.2021."

4. Learned counsel further submitted that against the judgment/order dated 20.06.2024 passed in LPA No. 645 of 2021, the State had preferred Special Leave to Appeal (c) No(s). 21079 of 2024 and Special Leave to Appeal (c) No(s). 23768 of 2024. The Apex Court, vide order/judgment dated 30.09.2024, has passed following orders in Special Leave to Appeal (c) No(s). 21079 of 2024, which inter alia is reproduced hereinafter:

"1. We are not inclined to interfere with the impugned judgment and order of the High Court; hence, the special leave petition is dismissed.

2. It is, however, clarified considering the prayer made on behalf of the first petitioner-State of Bihar that relief as granted by the learned Single Judge of the High Court would remain confined to the two writ petitioners before it, i.e., Manjay Kumar and Sunil Kumar Ram.

3. Pending application(s), if any, shall stand disposed of."

5. The Apex Court, vide order/judgment dated 18.10.2024, has passed following orders in Special Leave to Appeal (c) No(s). 23768 of 2024, which, inter alia, is



reproduced hereinafter:

"1. We are not inclined to interfere with the impugned judgment and order of the High Court; hence, the special leave petitions are dismissed.

2. It is, however, clarified considering the prayer made on behalf of the first petitioner-State of Bihar that relief as granted by the Single Bench of the High Court would remain confined to the writ petitioners before it.

3. Pending application(s), if any, shall also stand disposed of."

6. Heard the parties.

7. Considering the fact that out of the total vacancy notified for the District of Araria, 240 vacancy is for rural area and 30 vacancy is for urban area. The unfilled vacancy which is still remaining in rural area is 69 and in urban area is 25. The petitioners have claimed to grant them similar relief in light of the judgment passed by this Court in LPA No.645 of 2021, which has been affirmed by the Apex Court in SLP Nos. 21079 of 2024 and 23768 of 2024.

8. Under the above mentioned facts and circumstances, the Director General of Police (Home Guard), Bihar is directed to consider the case of the individual petitioners. The petitioners, if so advised, file their individual comprehensive representation giving all the details in respect of their service particulars and fulfillment of their candidature to be considered in light of the judgment/order dated 05.02.2021 in CWJC No. 11645 of 2019, which has been affirmed by the



Division Bench of this Court vide order/judgment dated 26.06.2024 passed in LPA No. 645 of 2021.

9. With aforesaid observations/directions, the present writ petition is disposed of.

(Purnendu Singh, J)

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