

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6074 of 2023

Manoj Kumar Son of Ayodhi Yadav, Resident of Village - Navtol, P.O.-Siswa Barhi, Police Station - Phulparas, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Bihar, Patna.
2. The Principal Secretary, Home Department, Bihar, Patna.
3. The Director General-cum-Commandant General, Home Guards, Bihar, Patna.
4. The District Magistrate, Madhubani.
5. The Superintendent of Police, Madhubani.
6. The District Commandant, Bihar, Home Guards, Madhubani.
7. The District Welfare Officer, Madhubani.
8. The Public Grievance Settlement Officer, Phulparas, District-Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate.
For the Respondent/s : Mr. Manoj Kumar, AC to GP-4.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 26-11-2024 Heard Mr. Lakshmindra Kumar Yadav, learned counsel appearing on behalf of the petitioner and Mr. Manoj Kumar, learned AC to GP-4 for the State.

2. The petitioner in paragraph no. 1 of the present writ petition has sought, *inter alia*, following relief(s), which is reproduced hereinafter:-

“(i) For issuance of an appropriate order, direction or writ in the nature of MANDAMUS commanding the respondents to select/nominate/ enrolled the petitioner on the post of Grih Raksha Wahini, Home Guards in District- Madhubani in pursuance of Advertisement No.02/2011, Home Department,



Patna. Government of Bihar,

(ii) For any other relief/reliefs for which petitioner may be found entitled in the facts circumstances of the case.”

BRIEF FACTS

3. An advertisement no. 2/2011 was published on 16.07.2011 in Newspaper – Hindustan / Dainik Jagran for selection, nomination of Grih Raksha Wahini in all the districts of Bihar including the District – Madhubani and the last date of submission of the application was 30.07.2011. The petitioner submitted his application along with requisite documents within time. The physical test of the petitioner was held on 27.02.2023 and he was successful in the physical test and as per the terms of the advertisement, the petitioner was eligible for the medical test, but he was not called for medical test.

SUBMISSION ON BEHALF OF THE PETITIONER

4. Learned counsel appearing on behalf of the petitioner submitted that pursuant to the advertisement no. 2/2011 published on 16.07.2011 in Newspaper – Hindustan / Dainik Jagran for selection, nomination of Grih Raksha Wahini in all the districts of Bihar including the District – Madhubani, the petitioner submitted his application along with requisite documents within time and appeared in the physical test on 27.02.2023 in which he was successful, and in the list of the successful candidates, he was placed at Sl. No.2. and as per the



terms of the advertisement, the petitioner was eligible for the medical test, but he was not called for medical test. The Learned counsel further submitted that few candidates who appeared for the physical test and who were not satisfied with the result of the same, filed an objection petition dated 05.03.2023, for verification of the result and while verifying the same, it was found that the petitioner did not complete the race in prescribed time, and the petitioner was declared unsuccessful. The petitioner was issued show cause vide Memo no. 354 dated 07.03.2023 (Annexure-5) to explain with regard to his non-completion of race within the stipulated time. Thereafter, the petitioner filed reply dated 15.03.2023 (Annexure-6) stating therein that in physical test, he has completed his running within time and by stamping on his hand, he has been declared successful and in the list of the successful candidates, he has been placed at Sl. No.2. Thereafter, the petitioner made an application through speed post before the concerned authority dated 30.03.2023 (Annexure-7) and requested to take decision and consider his case. The Medical test of the successful candidates was to be held on 11.04.2023 and 12.04.2023, but the petitioner was not called for medical test. Being aggrieved with non-consideration of his claim of the petitioner that although he had qualified in the physical test he was not called for medical



test in spite of the fact that seats were vacant, the petitioner has filed the present writ petition.

SUBMISSION ON BEHALF OF THE RESPONDENTS

5. *Per Contra*, learned counsel appearing on behalf of the respondents referring the counter affidavit filed on behalf of respondent nos. 4, 5, 6, 7 and 8 submitted that the selection of the Home guards under the advertisement no. 2/2011 has been made in accordance with law. As a matter of fact, 09 candidates filed their objection with regard to the selection process including Mukesh Kumar Badaiswar who had participated in the physical efficiency test along with the petitioner. On 05.03.2023, the Grievance Redressal Committee investigated / inquired the objection raised by 09 candidates with regard to the selection process of Home Guards and in course of inquiry, it was found that the petitioner has not completed 5th round of race in prescribed time and a notice was issued to the petitioner giving him opportunity to file his reply and accordingly Memo No. 354 dated 07.03.2023 was issued and was served upon the petitioner. The petitioner himself had produced the video clip of his round before the members of the aforesaid Grievance Redressal Committee which also shows that the petitioner did not complete the race in time. Thereafter, the petitioner was declared unsuccessful on the recommendation of the Grievance



Redressal Committee by the Home Guard Selection Committee vide Memo No. 575 dated 13.04.2023 (Annexure-A). Hence, the petitioner is not entitled for any relief in the eye of law as well as on the fact and the writ petition is fit to be dismissed.

Analysis and Conclusion

6. Heard the Parties.

7. I am conscious of the orders passed in C.W.J.C. No. 11645 of 2019 (Manjay Kumar & Anr. Vs. The State of Bihar & Ors.) against which LPA No. 645 of 2021 was preferred by the State of Bihar and the order / direction dated 30.09.2024 contained in Special Leave to Appeal (c) No(s). 21079 of 2024 and Special Leave to Appeal (c) No(s). 23768 of 2024, which was limited to the petitioners of the said case and also considering the rival submissions made on behalf of the parties and the pleadings made in the writ petition as well as in the counter affidavit filed on behalf of respondent nos. 4 to 8, it appears that with regard to the objection of the petitioner, an inquiry was held by the Grievance Redressal Committee and it was found that the petitioner did not complete the race in prescribed time and he was declared unsuccessful in the physical efficiency test and for the said reason he was not called for medical test. Hence, no interference is required.

8. The petitioner, if so advised, may file his



representation before the concerned authority, who is directed to consider the case of the petitioner in accordance with the law.

9. The writ petition stands disposed of.

(Purnendu Singh, J)

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