

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12121 of 2024

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Dhirendra Kumar Son of Fulchand Yadav, Resident of Village - Mahakar, Post Office - Amarut, P.S. - Dobhi, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through its the Principal Secretary, Department of Home, Govt. of Bihar, Patna.
2. The Divisional Commandant, Bihar Home Guard, Magadh Division, Gaya.
3. The Senior District Commandant-cum-Secretary, Bihar Home Guard, Magadh Division, Gaya.
4. The District Collector/District Magistrate, Gaya.
5. The Superintendent of Police, Bihar Home Guard, Gaya.
6. The Dy. Superintendent of Police, Bihar Home Guard, Gaya.
7. The Circle Officer, Dobhi, District - Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Virendra Prasad, Advocate
For the Respondent/s : Mr. Kamlesh Kishore, AC to SC-12

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 01-10-2024 On the basis of an Advertisement dated 16.07.2011, the petitioner was appointed as Home Guard, considering his application that he is a permanent resident of Dobhi Block. After his appointment, the documents submitted by him relating to his domicile was examined by the respondent Authority. It was found by the respondent Authority that the petitioner was not a resident of Dobhi Block, but he was a permanent resident of Village-Paswan in Bodh Gaya Block, in the district of Gaya.

2. It is not in dispute that in the Advertisement No.2/2011 on the basis of which, the petitioner submitted his



candidature for appointment on the post of Home Guard clearly declared that the vacancy of the Home Guard would be filled up block wise. Therefore, it was necessary for the candidates to mention the block where he permanently resides. The petitioner in his application form stated that he is a permanent resident of Dobhi Block. Subsequently, it was found by the respondents that the petitioner resides in Village-Arjun Bigha of Bodh Gaya Block. Therefore, the Commandant, Bihar Home Guards of Magadh Block, Gaya directed the petitioner to show cause on the points that during verification, the petitioner was found to be the resident of Village-Arjun Bigha within Bodh Gaya Block, he was a beneficiary of प्रधानमंत्री आवास योजना in the year 2021-22 for construction of a house at Village-Arjun Bigha in the voter list of Arjun Bigha his name is appearing. Therefore, the above-mentioned documents indicates that he is a permanent resident of Village-Arjun Bigha within Bodh Gaya Block.

3. The petitioner submitted his reply stating, inter-alia, that during his childhood he used to stay at Dobhi Block in the house of his maternal grandmother. He was reared and maintained by her maternal grandmother. He read upto class-8 from Banka Bazar School, while staying at Village-Nanihal within block Dobhi. Therefore, he submitted his application



from Dobhi Block.

4. By impugned order dated 25.06.2024, the petitioner was terminated from his service on the ground of submission of false documents relating to domicile.

5. The learned Advocate for the respondents submits that as directed in the advertisement, the domicile certificate of the selected candidates is required to be filed by the Circle Officer. However, the petitioner did not obtained domicile certificate of the Circle Officer. He claimed his domicile at Dobhi Block on the basis of his school certificate.

6. The learned Advocate for the petitioner, on the other hand, submits that the domicile certificate and caste certificate issued by the Circle Officer in the year 2009 has been filed by the petitioner but the concerned authority did not consider the said applications. The petitioner, however, could not give any reply on the question that if he is a permanent employee of Dobhi Block, while he accept money for construction of house at Village-Arjun Bigha in the District of Gaya. He also failed to make any satisfactory account as to why his name is appearing in the voter list of village-Arjun Bigha. The said documents are indicative of permanent resident of the petitioner. The petitioner failed to produce appropriate



document issued after publication of advertisement that he used to stay at village Nanihal within Dobhi Block permanently.

7. For the reasons stated above, I do not find any illegality in the impugned order. Accordingly, the instant writ petition is dismissed.

(Bibek Chaudhuri, J)

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