

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11551 of 2024

Md. Razzak Son of Md. Abbas, Resident of Village- Simariya, P.O.- Simariya,
P.S.- Kajraili, District- Bhagalpur, Pin-812005.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Department, Govt. of Bihar, Patna.
2. The Director General of Bihar Home Guards, Patna.
3. The Senior Commandant, Home Guards, Bhagalpur.
4. The District Magistrate, Bhagalpur.
5. The District Education Officer, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mayanand Jha, Sr. Adv.
	:	Mr. Gaurav Prakash, Adv.
For the Respondent/s	:	Mr. Government Pleader (20)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-08-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Counsel for the petitioner submits that the present writ petition has been filed for directing the respondent for appointment / empanelment of the petitioner as a Home Guard in connection with Advertisement No.2/2011, the selection of which was made on 21.6.2022, but the name of the petitioner was kept pending and not included in the final selection list purportedly because there was no signature of the Headmaster of the School in the Admission Register of the year 1988 in front of his name which gave rise to suspicion regarding his School leaving certificate

3. Counsel further submits that the petitioner was born



in his village on 20.6.1988 and got admission in a Govt. Primary (now upgraded Middle School) School of the locality namely Primary School (Boys) Kumrath, a nearby village, on 4.1.1994 and studied up to class V in that school. Thereafter he left studies and therefore did not take his SLC/T.C. from there till 31.12.2008. When he obtained the same for his future use if any, then Headmaster of the School issued the T.C. bearing No. A 39 dt.31.12.2008 (Sl.No.129091) mentioning his date of Birth as 20.6.1988 and date of admission as 04.01.1994. His name was entered at serial No.39 of the year 1994.

4. Counsel further submits that the same date of Birth 20.6.1988 is mentioned in the Aadhar Card as well as PAN of Income Tax issued by the petitioner. He further submits that the petitioner appeared in the vacancy of Home Guards in consonance with Advertisement No. 2 /2011 for which the minimum educational qualification was only Vth pass. He further submits that the petitioner applied for the same in Bhagalpur District and he was granted acknowledgment slip bearing No. 575 dated 29.07.2011. He further submits that the petitioner appeared for the Physical Test and was found fit.

5. Counsel further submits that the Selection Committee prepared a list of selected candidates category-wise /



Block-wise, but the name of the petitioner was not included in the said list and kept in the list prepared for the pending consideration Provisional list of successful candidates who were either unfit or lacking valid document. In the said list, the name of the petitioner appeared at serial No. 48 of such provisional list.

6. Counsel further submits that when the petitioner enquired as to why his name was put in the provisional list and not included in the final selection list, it transpired that Transfer Certificate attached by him with his application has been sent for verification.

7. Counsel further submits that on the request of the petitioner, the Block Resource Centre, Nathnagar asked the Headmaster of the School to verify the authenticity of the T.C. produced by the petitioner. The Headmaster has given the certificate, but the D.E.O issued a show cause from the Headmaster vide his letter No. 2593 dated 29.07.2022 to explain as to how he verified the T.C. when the name of the petitioner has been added in the end of the Admission Register in 1994 and there was no signature of the Headmaster due to this reason, the T.C. of the petitioner was kept in doubtful category, and therefore, the petitioner has filed the present writ petition



considering his T.C. issued by the Headmaster already.

8. Counsel for the State submits that the District Education Officer is the competent person who has created doubt in the admission of the petitioner and also in the T.C.

9. It transpires to this Court that there is controversy of the documents and documents are not admitted, therefore until and unless the documents will not be declared as valid and genuine, the petitioner cannot be declared in the successful list. In this view of the matter, the present writ application is hereby disposed off, granting liberty to the petitioner to avail remedy before the competent civil court and obtain the degree from the competent civil court that his certificate is genuine as there is controversy from both sides.

10. However, the respondent authority is directed to keep one sit vacant subject to the decision on the transfer certificate.

11. With the aforesaid direction, the present writ application is hereby disposed off.

(Dr. Anshuman, J.)

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