

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14937 of 2024

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Mantu Kumar Sah Son of Shiv Narayan Gond Resident of Village Narkatia
P.O.- Narkatia,m P.S.- Uchkagaon, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home (Police), Government of Bihar, Patna.
2. The Principal Secretary, Department of Home (Police), Government of Bihar, Patna.
3. The Director General of Police-Cum-Commandant General, Bihar Home Guards and Fire Services, Government of Bihar, Patna.
4. The District Magistrate, Gopalganj, District-Gopalganj.
5. The Superintendent of Police, Gopalganj.
6. The Distirct Selection Committee for the Selection and appointment of Home Guards in the District of Gopalganj through its Chairman.
7. The Distirct Magistrate-Cum-Chairman, District Selection Committee, Gopalganj, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudhanshu Kumar, Advocate
For the Respondent/s : Mr. Khurshid Alam,AAG-12

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-09-2024 Heard Mr. Sudhanshu Kumar, learned counsel

 appearing on behalf of the petitioner and Mr. Khurshid Alam,

 learned AAG-12, for the State.

2. The petitioner, in paragraph no.1 of the present writ
application, has sought for, *inter alia*, following reliefs, which is
reproduced hereinafter:

*"a. To select and appoint the Petitioner, on the
post of the Home Guard, on the basis of the Final Result/
Merit List dated 28.03.2017 (Page-19 of the writ
Application)*

b. And after deciding the cut off marks for each



and every category of the candidates.

c. And further for weeding out of the candidates who has been illegally appointed due to the malpractice of creating a Merit List / Cadre List on the basis of the block level which should have been prepared and completed on the basis of the district level; on amongst others the following grounds:-

i. For that the Petitioner being an applicant from the Block - Uchakgaon, District - Gopalganj has applied in pursuance of the Advertisement No. 1/2021 and after completion of all the physical tests (held on 10.11.2012) has obtained 9 Marks out of the total 15 marks (Page- 19 of the Writ Application)

ii. For that, there were three advertisement in this context i.e. 1/2009, 1/2011 and 2/2011 and considering all the seats - total 277 seats were available and out of that only 213 appointments have been done.

iii. For that, the Petitioner belongs to the Gond Community which comes under the Scheduled Tribes Category, for the selection under consideration.

iv. For that, even after that, the Petitioner was not selected and appointed on the post of the Home Guards in District Gopalganj ; for the reasons that the Authorities have manipulated the Merit List after categorizing it somewhere on the basis of the block cadres and somewhere on the random basis ; whereas the cadre should be at the District Level according to the terms of Advertisement.

v. For that, it is a matter of record that the Authorities have selected and appointed the candidates upto the level of "marks obtained - 6" in the "Extremely Backward Class" category whereas the Petitioner has obtained 9 Marks and belongs to Schedule Tribe Category ; but even after that the Petitioner has not been selected and appointed.

vi. For that, due to the illegal arbitrary inaction / action of the Respondent Authorities , the Petitioner has suffered an irreparable injury.

Vii. For that, due to the illegal arbitrary inaction / action of the Respondent Authorities , the Fundamental Rights of the Petitioner, as enshrined in the Constitution of India, has been violated."

3. Learned counsel in view of the development which has taken place seeks to file a detailed representation before the District Mangistrate, Gopalganj.

4. Considering the limited relief as sought for on



behalf of the petitioner, the petitioner, if so advised, may file a detailed representation giving all the particulars in his own respect before the District Magistrate, Gopalganj, for consideration of his grievance and the District Magistrate, Gopalganj, is directed to consider the grievance of the petitioner expeditiously, in accordance with law.

5. With the aforesaid direction/observation, the writ petition stands disposed of.

(Purnendu Singh, J)

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