

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17644 of 2023

1. Sumit Kumar Singh Son of Malik Singh, Resident of Village - Baghi Baghamberpur, P.O. - Patjirwa, P.S. - Shri Nagar Pujahan, District - West Champaran, Bihar - 845438.
2. Munna Ram, Son of Hira Ram, Resident of Village - Baghi Baghamberpur, P.O. - Patjirwa, P.S. - Shri Nagar Pujahan, District - West Champaran, Bihar - 845438.
3. Ravindra Prasad, Son of Nandlal Prasad, Resident of Village - Baghi Baghamberpur, P.O. - Patjirwa, P.S. - Shri Nagar Pujahan, District - West Champaran, Bihar - 845438.
4. Rajesh Yadav, Son of Vimal Yadav, Resident of Village - Baghi Baghamberpur, P.O. - Patjirwa, P.S. - Shri Nagar Pujahan, District - West Champaran, Bihar - 845438.
5. Upendra Kumar Paswan, Son of Phawari Paswan, Resident of Village and P.O. Tadhwanandpur, Ward No. 13, P.S. - Bairiya, District - West Champaran, Bihar- 845438.
6. Ranjeet Thakur, Son of Madan Thakur, Resident of Village - Duboliya, P.O. Baghahi Ratanpura, P.S. - Bairiya, District - West Champaran, Bihar- 845438.

... .. 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, West Champaran at Bettiah.
6. The District Selection Committee through the Chairman-cum-District Magistrate, West Champaran Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Kaushik, Advocate Mrs. Namrata Dubey, Advocate
For the State	:	Mr. Kinkar Kumar (SC- 9)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-12-2024 Heard. Mr. Kumar Kaushik, learned counsel along with Mrs. Namrata Dubey, learned counsel appearing on behalf of the petitioners and Mr. Kinkar Kumar, learned Standing Counsel- 9 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 Bettiah (now West Champaran) is 205



for the rural area and 25 for the urban area. The unfilled vacancy which is still remaining in rural area is 16 and in urban area is 16. The petitioners claimed equality as 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, may 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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