

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1015 of 2024

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Santosh Kumar Yadav Son of Sri Indrasan Yadav, Resident of Village-
Bherwaniyan, P.S.-Bhagwanpur Hat, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Home (Police) Department, Bihar, Patna.
3. The Director General cum-Commanding General, Bihar Home Guard, Bihar, Patna.
4. The Divisional Commissioner, Saran at Chapra
5. The District Magistrate, Siwan.
6. The Bihar Home Guard- cum- Agnishamak Maha Samadeshta, Patna, Bihar
7. The District Commandant, Bihar Home Guard, Siwan.
8. The Superintendent of Police, Siwan.
9. The S.H.O., Goreyakothi Police Station, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Indu Bhushan
For the Respondent/s	:	Mr.Government Advocate 9

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-03-2024 The present writ petition has been filed seeking the
following reliefs:-

“1(i). For issuance an appropriate writ in the nature of certiorari for quashing the impugned order of penalty issued vide Memo No. 1790 dated 14.10.2023 (contained in Annexure-P/8) passed by Respondent No.5, whereby and whereunder the petitioner has been removed from service of Bihar Home Guard Organization.

(ii). For quashing the Memo No. 1420 dated 30.06.2023 issued by the Respondent



No.6(contained in Annexure-P/7) whereby and whereunder contract (Bond) was ended in premature stage.

(iii). for quashing Memo No.2187 dated 17.10.2023 (contained in Annexure-P/9) issued by the Respondent No.7.

(iv). For issuance of an appropriate in the nature of Mandamus commanding the responsible respondents to reinstate the petitioner into service of Bihar Home Guard Organization and to restore the contract (Bond) immediately and to back the petitioner into Bihar Home Guard Organization.”

2. At the outset, the learned counsel for the Respondents submits that the order dated 28.6.2023, passed by the Commissioner, Saran Division, Chapra, rejecting the appeal of the petitioner on technical ground, has stood withdrawn vide order dated 1.3.2024, hence, now the aforesaid appeal would be transmitted to the Director General (Home Guard), Bihar, Patna, within a period of two weeks from today, so that he can consider the same, in accordance with law. It is directed accordingly.

3. It is needless to state that the Director General (Home Guard), Bihar, Patna, shall consider the aforesaid appeal of the petitioner and pass a reasoned and a speaking order, in accordance with law, within a period of four weeks of receipt of



the said appeal from the office of the Commissioner, Saran Division, Chapra.

4. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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