

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4209 of 2025

1. Mukesh Kumar Son of Jay Kishore Yadav @ Jay Kishor Yadav, Resident of Village- Ram Nagar, P.S. and Block Pirpainti, District- Bhagalpur.
2. Ranjan Yadav, S/o Brahmdeo Prasad Yadav @ Bahmdeo Yadav, Resident of Village- Ram Nagar, P.S. and Block Pirpainti, District- Bhagalpur.
3. Bhawesh Kumar Yadav, Son of Nageshwar Yadav, Resident of Ward No. 10 Athania (Simanachyataiya) P.S. and Block Pirpainti, District- Bhagalpur.
4. Subhash Chandra Kumar, Son of Devnarayan Mandal, R/o Village- Dildarpur, P.S. Ghogha, Block Kahalgaon, District- Bhagalpur.
5. Sunil Kumar Yadav, Son of Naresh Prasad Yadav, R/o Village- Ghogha Bazar, P.S. Ghogha, Block Kahalgaon, District- Bhagalpur.
6. Anuj Kumar, S/o Bindhyachal Roy, R/o Village- Sarkanda, P.S. Ishipur Barahat, Block Pirpainti, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Home, Secretary, Government of Bihar Main Secretariat, Patna.
2. The Home Secretary, Government of Bihar Main Secretariat, Patna.
3. The Director General of Police, Home Guard Main Secretariat, Patna.
4. The District Magistrate, Bhagalpur, District- Bhagalpur.
5. The Commandant Home Guard Bhagalpur, District Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Indeshwari Prasad Mandal, Adv.
For the Respondent/s	:	Mr. Addl. Advocate General (07)

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-03-2025

Heard the parties.

2. The petitioners are aggrieved with the merit list of the Home Guards duly prepared and published in terms of Advertisement No. 2/2011, which has been prepared on the



basis of block wise instead of district wise.

3. Mr. Indeshwari Prasad Mandal, learned counsel for the petitioners contended that the issue with regard to the preparation of merit list, stood settled by this Court in C.W.J.C. No. 11645 of 2019, wherein this Court has directed the respondents to publish provisional and final merit list on the district wise basis. The afore-noted order was also put to challenge by the State of Bihar and Others in L.P.A. No. 645 of 2021, which also came to be dismissed on 20.06.2024. The matter travelled up to the Apex Court in SLP No. 24421 of 2024, which also stood dismissed on 18.10.2024.

4. Adverting to the aforesaid facts, learned counsel for the petitioners further contended that despite the issue settled up to the Apex Court, the respondent authorities are sitting tight over the matter and till date, they have not revised the final merit list in terms of the order of this Court passed in C.W.J.C. No. 11645 of 2019. Reliance has also been placed on a decision rendered by the learned co-ordinate Bench of this Court in C.W.J.C. No. 1338 of 2023, which was disposed off vide order dated 17.10.2024 with a direction to the concerned District Magistrate to consider the grievance of the writ-petitioners expeditiously in the light of the law laid down by this Court in



L.P.A. No. 645 of 2021 and other analogous cases. It is lastly contended that still the seats are vacant against which the petitioners can be adjusted but owing to non-adherence to the direction of this Court, the petitioners have been deprived from their selection.

5. Learned counsel for the State fairly contended that if the law has already stood settled by this Court, the concerned respondent is duty bound to consider the claim of the petitioners.

6. Having considered the submissions advanced on behalf of the respective parties, this Court finds it appropriate to direct the respondent no.4, the District Magistrate, Bhagalpur, to consider the claim of the petitioners in terms of the decision rendered in C.W.J.C. No. 11645 of 2019.

7. For proper appreciation of the matter, the petitioners are at liberty to file a representation along with the order of this Court. In case, such a representation is filed preferably within a period of two weeks from today, the respondent no.4, shall consider the claim of the petitioners and take appropriate action in the light of the order passed by this Court in C.W.J.C. No. 11645 of 2019 within a further period of eight weeks.



8. The writ petition stands disposed off.

(Harish Kumar, J)

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