

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5721 of 2025

1. Braj Kishor Prasad Son of - Chaturchand Poddar @ Chaturchand Poddar Resident of - Harnathchak, P.O. - Sindhiya Makandpur, P.S. - Gopalpur, District- Bhagalpur.
2. Mithun Kumar, Son of - Banarsi Pandit, Resident of village - Bhawanipur, P.O. - Bhawanipur, P.S. - Rangra Chowk, District- Bhagalpur.
3. Onkar Gupta, Son of - Anuplal Gupta, Resident of village - Bhawanipur, P.S. - Rangra Chowk, District- Bhagalpur.
4. Bipin Bihari, Son of- Daroga Yadav @ Daroga Prasad Yadav, Resident of village - Bhawanipur, P.O. - Bhawanipur, P.S. - Rangra Chowk, District- Bhagalpur.
5. Rupam Kumari, Daughter of - Bibhuti (Vibhuti) Prasad Yadav, Wife of - Prem Prakash, Resident of village - Bhawanipur, P.S. - Rangra Chowk, District- Bhagalpur.
6. Sulekha Kumari, Daughter of - Mahendra Sah, Wife of Nandkishor Sah, Resident of Village- Sahu Tola, Bhawanipur, P.O. - Bhawanipur, P.S. Rangra Chowk (Rangra), 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 Building, Patna.
3. The Director General of Police, Home Guard, Main Secretariat, Patna.
4. The District Magistrate-cum-Chairman, District Selection Committee, Bhagalpur, District - Bhagalpur.
5. The Commandant, Home Guard, Bhagalpur, District - Bhagalpur.
6. The Superintendent of Police, Naugachia, District - Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav, Adv.
For the Respondent/s : Mr. Binita Singh, Standing Counsel (28)

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

2 23-04-2025 Heard learned counsel for the petitioners and learned
counsel for the State.

2.This petition has been preferred by the petitioners



seeking the following reliefs:-

(i) For direction to the respondent authorities to publish the final merit list of the Home Guard duly prepared and published int terms of advertisement No. 02/2011, which has been prepared on the basis of block wise instead of district wise.

(ii) For direction to the respondent authorities to include the names of these petitioners in the final merit list and accordingly appointed them as Home Guard under Bhagalpur district against unfilled post of those candidates who have not better merit than them.

(iii) To issue a writ of mandamus, commanding and directing due Respondent authority concern to include the names of these petitioners in the final merit list and accordingly appointed them as Home Guard under Bhagalpur District against unfilled post of those candidates who have not better merit than them, keeping in view the respondent District Magistrate, Bhagalpur has recently published a final merit list vide Memo No. 2199 dated 02/12/2024 to be appointed the exactly other similarly situated persons for their appointment on the post of Home Guard (Annexure-P/4).



(iv) For any other relief/reliefs as your Lordships may deem fit and proper.

3. It is submitted by learned counsel for the petitioners that pursuant to the advertisement no. 02 of 2011. The petitioners have participated in the recruitment process. The recruitment was supposed to be done district-wise, however, when the final merit list was prepared, it was based on block level which is counter to the advertisement. Learned counsel for the petitioners submits that the petitioners are of the district-Bhagalpur. If the final merit list was declared district-wise then all of them would have been selected. He further submits that some of the affected candidates had filed a writ petition being C.W.J.C. No. 11645 of 2019 and a learned Co-ordinate Bench vide its order dated 05.02.2021 allowed the said petition and directed the respondents that they should publish the merit list on the basis of district-wise and not block-wise, the order dated 05.02.2021 has attained finality. The case of the petitioners here is also squarely covered by the judgment passed by the learned Co-ordinate Bench of this Court.

4. Considering the submission made by learned counsel for both the parties, it would be appropriate to dispose of the petition giving liberty to the petitioners herein to firstly make their representation before respondent no. 4. Accordingly,



this petition is disposed of and the petitioners are directed to firstly make their representation before the respondent which they raised in this writ petition, it would be done within four weeks from today in turn respondent no. 4 is also directed to consider and decide the representation of the petitioners in accordance with relevant rules and laws and further taking into consideration the observation made in the order passed by the learned Co-ordinate Bench of this Court in the ***C.W.J.C. No. 11645 of 2019 (Manjay Kumar and another vs. The State of Bihar and others)*** and pass a reasoned order as quickly as possible probably within 60 days from the date of receipt of a copy of this order.

5. With the aforesaid observation, this petition is disposed of.

(Arvind Singh Chandel , J)

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