

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5134 of 2025

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1. Divakar Kumar, Son of Rambilash Mandal, R/o village-Jan Mahammadpur, P.S. and Block-Kahalgaoon, District-Bhagalpur.
 2. Rajan Kumar Yadav, Son of Luri Yadav, Resident of Village-Madarganj, P.S. Amdanda, Block Sanhoulla, District-Bhagalpur.
 3. Rajesh Kumar Mahto, Son of Sahdev Mahto, Resident of Village-Ghuthiyani, P.S. Amdanda Block Sanhoulla, District-Bhagalpur.
 4. Ram Niranjana Kumar, Son of Baldev Mandal, Resident of Village-Basantpur Dogachhi, P.S. and Block Nath Nagar, District-Bhagalpur.
 5. Vinod Kumar Yadav, Son of Ramdev Yadav, Resident of Village-Bisanpur Jichho, P.S. Lodipur Block Goradih, District-Bhagalpur.
 6. Manoj Kisku, Son of Surya Narayan Kisku, Resident of Village-Sarkanda, P.S. and Block Pirpanti, 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, Advocate
For the Respondent/s : Mr. Manoj Kumar Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-04-2025 Heard Mr. Indeshwari Prasad Mandal, learned Advocate for the petitioners and Mr. Manoj Kumar Yadav, learned Advocate for the State.

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. Learned counsel for the petitioners referring to the



averments made in the writ petition has 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 order of this Court has been placed on record as Annexure-P/3 to the writ petition. The order of the learned Single Judge was put to challenge in L.P.A. No. 645 of 2021 by the State of Bihar and Others, 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. It is the contention of the petitioners 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.

4. 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 further contended that the post are still vacant and the petitioners can be



adjusted against the vacant post.

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.3, 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.3, 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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