

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7252 of 2024

1. Punam Kumari wife of Mahesh Prasad Singh, resident of Village-Madaile, P.O.-Jaipur, P.S.-Mohndiya, District-Arwal.
2. Ranju Kumari Wife of daughter of Subhas Sharma, resident of Village-Parashuranpur, P.O.-Parsi, P.S.-Parsi, District-Arwal.
3. Veena Kumari, Wife of daughter of Bijendra Paswan, resident of Village-Konam Chowk, P.S.-Bara Koriem, P.S.-Kariem, District-Arwal.
4. Sangita Kumari, wife of Bharat Ram, daughter of Ramchandra Paswan, resident of Village-Teri, P.S.-Teri, District-Arwal.
5. Shiv Sagar Kumar, Son of Ram Kumar Uadav, resident of Village and P.O.-Keyal, P.S.-Karpi, District-Arwal.
6. Satyendra Ram, son of Munni Ram, resident of Village-Rampru Wama, P.S.-Arwal, District-Arwal.
7. Kamlsh Yadav, Son of Bhorik Yadav, resident of Village-Pondil, P.O.-Pondil, P.S. Kurtha, District-Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Revenue Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary Revenue Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, Home Department, Govt. of Bihar, Patna.
4. The Director General cum Commandant General, Home Guard Govt. of Bihar, Patna.
5. The District Magistrate Arwal.
6. The Superintendent of Police, District-Arwal.
7. The District Commandant Home Guard, Arwal.
8. The District Welfare Officer, District-Arwal.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prem Kumar Paswan
For the Respondent/s : Mr. Standing Counsel 8

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 09-10-2025 Heard the learned counsel for the petitioners and the
learned counsel for the State.

2. The present writ petition has been filed for issuance



of an appropriate writ/writs, order/orders and direction/directions particularly in the nature of mandamus commanding and directing the respondent authorities to consider the candidature of the petitioners for the post of Home Guard Pursuance of Advertisement No. 02/2011 issued by the Home (Special) Department, Patna which came in process in the year 2022 and further for directing the respondents to fill up the backlog vacancies in the district of Arwal as in other Districts of Bihar the backlog vacant posts have been filled up.

3. It is the case of the petitioners that an advertisement was published by the Home Department Govt. of Bihar, Patna for appointment of the post of Home Guard in all the district of Bihar *vide* Advertisement No. 02/2011 dated 18.07.2011. Thereafter the petitioners submitted their application with all required document within time and in pursuance of the said advertisement. A total of 275 vacancies were available in the District of Arwal for the post of Home Guard wherein 250 posts were for the Rural areas and 25 for the Urban areas.

4. The learned counsel for the petitioners has submitted that the concerned respondent authority issued an office order dated 03.05.2022 for further process of appointment and thereafter a physical test of the candidates was held at



Jawahar Navodaya Vidyalayas, Shiv Nagar, Arwal for the post of Home Guard; thereafter, a provisional list of the candidates was published and the petitioners had found their names in the said list. He further submits that after document verification, it was found that 34 candidates submitted false documents and against the 8 candidates, an FIR was lodged and total 42 seats became vacant and this fact was published in the newspaper on 28.04.2023. Pursuant to the above mentioned facts and circumstances of the vacant seats, the petitioners approached the respondents personally and also gave representation to the District Magistrate, Arwal and requested that their appointment be considered as per the terms of the Advertisement No. 02/2011 on the vacant seats for the post of Home Guard.

5. The learned counsel for the petitioners has further submitted that in other districts of Bihar namely Supaul, Nawada and Munger, the appointment letter was also issued to those candidates whose names were found in the waiting list in first phase of appointment but in the District of Arwal, the said policy had not been applied.

6. The learned counsel for the petitioner has relied upon a judgment passed by a Co-ordinate Bench of this Court in ***C.W.J.C. No. 1098 of 2023 {Manohar Kumar Jha & Ors V/s***



The State of Bihar & Ors}. He further submits that similar questions were raised in the aforesaid writ petition and the same was disposed of with certain directions to the respondent authorities.

7. The learned counsel for the State has opposed the application of the petitioners and has submitted that there is no provision for preparation of the waiting list.

8. I have heard and considered the submissions of the parties and have also gone through the materials available on record.

9. The Co-ordinate Bench of this Court in **C.W.J.C. No. 1098 of 2023 {Manohar Kumar Jha & Ors V/s The State of Bihar & Ors.}**, had held as follows:

“Having regard to the kind of submissions noted hereinabove, this Court directs the District Magistrate, Bhagalpur (respondent no.4) to consider the representation of the petitioners as contained in Annexure- ‘5’ to the writ application and in case it is found that a substantial number of vacancies could not be filled up from the final merit list because of the non-joining of the selected candidates, the District Magistrate shall consider as to why the persons like the petitioners whose names are there in the provisional merit list may not be considered by drawing a second merit list,



subject, however, to the recruitment policies and the rules governing the recruitment.”

10. This Court is in agreement with the view adopted by the Co-ordinate Bench of this Court and therefore deems it appropriate to direct the respondent authorities to treat the petition as a representation and decide the same within two months from the date of receipt/production of a copy of this order.

11. The instant writ petition stands disposed of with the aforesaid observation and direction.

(Sandeep Kumar, J)

Shishir/-

U		T	
---	--	---	--

