

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8994 of 2022

1. Lakshman Kumar Son of Satyanarayan Prasad Yadav Resident of Village- Gadhiya, Ward No.- 2, Gadhiya, Vijaypur, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 125 Mark-8.
2. Amarnath Yadav Son of Ram Bahadur Yadav Resident of Village- Dhamsena, Ward No.- 5, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 156.
3. Nirala Kumar Krishna Mohan Yadav Resident of Village- Dhamsena, Ward No.- 4, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 150 Mark-9.
4. Vijay Kumar Yadav Son of Mahendra Prasad Yadav Resident of Village- Dhamsena, Ward No.- 6, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 70 Mark-9.
5. Bittu Kumar Son of Chandra Shekhar Prasad Yadav Resident of Village- Sahuriya, Pashchimi, Ward No.- 10, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 1062, Mark-8.
6. Ranveer Kumar Son of Maheshari Prasad Yadav Resident of Village- Dhamsena, Ward No.- 6, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 138.
7. Suresh Yadav Son of Ghurilal Yadav Resident of Village- Sahuriya, Pashchimi, Ward No.- 9, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 463 Mark-8.
8. Sudin Kumar Son of Rajendr Yadav Resident of Village- Sahuriya, Pashchimi, Ward No.- 9, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 916.
9. Shankar Kumar Son of Kapil Deo Yadav Resident of Village- Madhura, Ward No.- 6, Gariya, Gariya Vijaypur, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 405 Mark-7.
10. Arvind Kumar Son of Kuldev Yadav Resident of Village- Madhura, Ward No.- 6, Gariya, Gariya Vijaypur, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 37 Mark
11. Dilip Kumar Son of Yadunandan Yadav Resident of Village- Gadhiya, Ward No.- 2, Gadhiya, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 534 Mark-6.
12. Bikash Kumar Son of Bijendra Prasad Yadav Resident of Village- Madhura, Ward No.- 6, P.S.- Saurbazar, Garhiya, Gariya Vijaypur, Dist.- Saharsa, Roll No.- 425 Mark-7.
13. Nitish Kumar Son of Satyanarayan Yadav Resident of Village- Gadhiya, Ward No.- 2, Gadhiya, Vijaypur, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 129 Mark-8.
14. Jitendar Kumar Son of Shambhu Yadav Resident of Village- Gadhiya, Ward No.- 2, Garhia, Garhia Vijaypur, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 1975 Mark-9.
15. Virendra Yadav Son of Satya Narayan Yadav Resident of Village- Gadhiya, Ward No.- 2, Garhia, Garhia Vijaypur, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 126 Mark-7.
16. Mithilesh Kumar Son of Chalittar Prasad Yadav Resident of Village- Dhanchakla, Ward No.- 8, Dham Sena, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 366 Mark-8.



17. Devashish Kumar Son of Brahamanand Prasad Yadav Resident of Village- Pariharpur, Ward No.- 11, Post- Dhanchhoha, Khajuri, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 229 Mark-7.
18. Pankaj Kumar Son of Halder Thakur Resident of Village- Tiri, Ward No.- 4, Tiri, T. Dhanchhoha, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 58 Mark-6.
19. Subodh Kumar Son of Mohan Yadav Resident of Village- Baijnathpur, Ward No.- 4, Baijnathpur, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 391.
20. Shankar Thakur Son of Haldhar Thakur Resident of Village- Tiri, Ward No.- 4, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 252 Mark-5.
21. Anmol Kumar Son of Dipnarayan Yadav Resident of Village- Tiri, Ward No.- 3, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 637 Mark-6.
22. Pappu Kumar Son of Ram Vilash Yadav Resident of Village- Baijnathpur, Ward No.- 4, Baijnathpur, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 217
23. Manoj Kumar Son of Ganesh Prasad Yadav Resident of Village- Gamahariya, Ward No.- 11, Gamaharia, Gamahariya, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 209 Mark-9.
24. Surendra Ram Son of Khushilal Yadav Resident of Village- Itahra, Near School, Ward No.- 6, Rampur, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 436 Mark-.
25. Dayanand Rajak Son of Jagdish Rajak Resident of Village- Dhamsena, Ward No.- 2, Dham sena, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 745 Mark-8.
26. Bipin Kumar Son of Sikender Yadav Resident of Village- Gadhiya, Ward No.- 2, Garhiya, Garhiya Vijay Nagar, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 589 Mark- 10.
27. Ajit Kumar Son of Visheshwar Yadav Resident of Village- Madhura, Ward No.- 7, Garhiya, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 542 Mark- 10.
28. Santosh Kumar Son of Upendra Yadav Resident of Village- Madhura, Ward No.- 4, Garhiya, Garhiya Vijaypur, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 186 Mark- 10.
29. Chandradeo Kumar Son of Bhuran Prasad Yadav Resident of Village- Madhura, Ward No.- 7, Garhia, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 378 Mark- 10.
30. Rajesh Yadav Son of Bhujangi Yadav Resident of Village- Bakhri, Ward No.- 14, Bakhri, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 198 Mark- 10.
31. Arvind Kumar Son of Satyanarayan Yadav Resident of Village- Dudhaila, Mohanpur, Kahra, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 242
32. Sanoj Kumar Son of Ramvilash Yadav Resident of Village- Dhudhaila, Mohanpur, Kahra, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 464.
33. Mukesh Kumar Munna Son of Shankar Prasad Yadav Resident of Village- Dhudhaila, Ward No.- 4, Near Parminiya, Dudhaila, Mohanpur, P.S.- Saurbazar, Dist.- Saharsa, Roll No.- 468.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Ministry of Home



Department, Government of Bihar, Patna.

2. The Commandant General Home Guard, Headquarter Grih Raksha, Vahini, Chajjubagh Patna- 01.
3. The Director General cum Commandant General Bihar Home Guard, Patna and Bihar Fired Services, Bihar, Patna.
4. The District Magistrate cum Collector Saharsa.
5. The Superintendent of Police Saharsa.
6. The District Commandant Bihar Home Guard, Saharsa.
7. The Senior District Commandant Bihar Home Guard, Saharsa.
8. Shashi Kumar Son of Kedar Yadav Resident of Village- Maheshpur, Samda, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
9. Bittu Kumar Son of Ram Vilash Yadav Resident of Village- Sahuriya, Dhamsena, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
10. Lalit Kumar Son of Vishnu Deo Pandit Resident of Village- Sahut, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
11. Vikash Kumar Son of Chandra Kishore Yadav Resident of Village- Dhamsena, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
12. Ashish Kumar Son of Kailash Yadav Resident of Village- Indrava, Rotakhem, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
13. Kunwar Kumar Son of Raj Kishore Sah Resident of Village- Bakhri, Dhamsena, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
14. Rakesh Kumar Raman Son of Singheswar Yadav Resident of Village- Gamhariya, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
15. Pappu Kumar Son of Sadanand Prasad Yadav Resident of Village- Bakhri, Ward No.- 1, Dhamsena, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
16. Karan Kumar Son of Sikho Yadav Resident of Village- Sahut, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
17. Shiv Darshan Paswan Son of Vivekanand Paswan Resident of Village- Rohtakhem, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
18. Ajay Kumar Son of Umesh Prasad Yadav Resident of Village- Sahuriya, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
19. Subodh Kumar Son of Dinesh Yadav Resident of Village- Indarva, Rotakhem, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
20. Munni Devi Daughter of Late Laren Ram Resident of Village- Araha, Subat, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
21. Jyotish Kumar Son of Kekai Yadav Resident of Village- Garhiya, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
22. Mukesh Kumar Son of Vashu Deo Yadav Resident of Village- Sonbarsa Tola, Sahuriya, Purvi, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
23. Dilip Kumar Son of Amrendra Prasad Yadav Resident of Village- Gamhariya, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
24. Vijendra Kumar Son of Harihar Sah Resident of Village- Suvat, Block-



Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.

25. Dashrath Kumar Son of Ramnarayan Yadav Resident of Village- Maheshpur, Samdah, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
26. Hemant Kumar Son of Ashok Paswan Resident of Village- Itahra, Rampur, Itahra, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
27. Radha Raman Paswan Son of Gopi Paswan Resident of Village- Sonbarsa Tola, Sahuriya, Purvi, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
28. Sudhir Kumar Ram Son of Late Bateshwar Rao Resident of Village- Mathura, Samdah, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
29. Mohit Ram Son of Late Bhagwat Ram Resident of Village- Mathura, Gardhiya, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
30. Mohit Paswan Son of Late Kameshwar Paswan Resident of Village- Khajuri, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
31. Soni Kumari Daughter of Sikendar Ram Resident of Village- Indarva, Rohta, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
32. Umesh Kumar Son of Ganga Dhar Sutiha Resident of Village- Rahua, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
33. Naresh Kumar Sharma Son of Jiya Lal Sharma Resident of Village- Kabela Chowk, Rahua, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
34. Ramchandra Sharma Son of Chandeshwari Sharma Resident of Village- Sahuria, Dhamsena, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa., Roll No.- 1008, Marks- 10
35. Nikesh Kumar Son of Pawan Mahto Resident of Village- Laxminiya, Chhanchova, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
36. Rajesh Kumar Son of Parmeshwar Sah Resident of Village- Rampur, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
37. Sunil Kumar Son of Mohan Sah Resident of Village- Mathura, Gadhiya, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
38. Rita Kumari D/o Rajdeep Mahta Resident of Village- Andoli, Samdah, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
39. Arvind Prasad Yadav Son of Mahavir Prasad Yadav Resident of Village- Kavilashi, Samdah, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
40. Sachindra Kumar Son of Suresh Yadav Resident of Village- Gardhiya, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
41. Manish Kumar Son of Sajan Lal Yadav Resident of Village- Thegha, Khap Bazar, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
42. Niraj Kumar Son of Nirmal Yadav Resident of Village- Nago, Dumgadi, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.
43. Sanoj Devi D/o Chandeshwari Yadav Resident of Village- Khajuri, Block- Saurbazar, P.S.- Saurbazar, Dist.- Saharsa.

... .. Respondent/s

Appearance :



For the Petitioner/s : Mr. Shekhar Kumar Singh, Adv.
Mr. Buddhilal Yadav, Adv.
For the Respondent/s : Mr. Raja Surendra Mohan, Adv.
Mr. Manish Kumar, GP-4

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-03-2025 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, as warranted in the advertisement published.

3. Learned Advocate 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 and further in CWJC No. 6654 of 2021 by a Bench of this Court, wherein this Court has directed the respondents to publish provisional and final merit list on the district wise basis. 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. It has been apprised to this Court that 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. Learned Advocate for the petitioners further contented that had the panel been prepared on district wise basis, the petitioners would have better position than the private respondents. It is also contended that out of total vacancy up to 331, only 188 aspirants have been selected for the post of Home Guard and the remaining posts are still vacant.

4. Learned Advocate for the State dispelling the aforementioned contention has urged before this Court that the issue is required to be considered at the level of the competent authority, if the law has already stood settled by this Court.

5. 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-cum-Collector, Saharsa, to consider the claim of the petitioners in terms of the decision rendered in C.W.J.C. No. 11645 of 2019.

6. 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 twelve weeks.

7. The writ petition stands disposed off.

(Harish Kumar, J)

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