

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.400 of 2022

-
-
1. Dinesh Sharma S/o Late Gopal Singh Resident of Village - Moriyawan, P.O. - Datiyana P.S. - Bikram, District- Patna.
 2. Hari Nath Prasad S/o Late Ram Prasad Resident of Begampur Parpokhara, P.O. - Begampur P.S. - Patna By Pass, District- Patna.
 3. Ram Naresh Prasad Singh S/o Late Sarjug Singh Resident of Village Barew, P.O. Nemdarganj, P.S. Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt of Bihar, Patna.
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
3. The Special Secretary, Department of Home (Special), Govt. of Bihar, Patna.
4. The Joint Secretary, Department of Home (Special), Govt. of Bihar, Patna.
5. The Director General - cum- Commandant General, Home Guards, Govt. of Bihar, Patna.
6. The Dy. Commandant General, Home Guards, Govt. of Bihar, Patna.
7. The Commandant, Home Guards, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Madhu Prasun, Advocate
For the Respondent/s : Mr. Manish Kumar (GP-4)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 08-12-2025

Heard learned counsel for the petitioners and
learned counsel for the State.

2. The present writ petition has been filed for the
following relief(s):-

“I. For issuance of appropriate



*Writ/Writs, Order/ Orders,
Direction/Directions commanding the
Respondents to comply the order of
this Hon'ble Court dated 27/07/2017
passed in C.W.J.C. No. 5631 of 1999
(Pramod Narain Tiwari & Others
versus The State of Bihar & Others)
by extending the same to cover the
Petitioners, whose case stands on
exactly similar footing especially in
view of the fact that the aforesaid
order of this Hon'ble Court has been
affirmed by the Hon'ble Supreme
Court of India vide order dated
18/02/2020 passed in SLP (C)
No.7436/2018, whereby the Special
Leave Petition filed by the State of
Bihar has been dismissed.*

*II. For issuance of appropriate
Writ/Writs, Order/ Orders,
Direction/Directions commanding the
Respondents to give the Petitioners*



all consequential service benefits including monetary benefits considering them to be in continuous service for the period they have been kept out of employment due to illegal, arbitrary and misleading decision and stand of the Respondents.

III. For any other relief/reliefs for which the Petitioner is entitled under law.”

3. Learned counsel for the State raised a preliminary objection and submits that no relief could be granted to the petitioners due to the reason that the petitioners had earlier moved before this Hon'ble Court in C.W.J.C. No. 480 of 1982 and thereafter, the petitioners have moved second time in another writ petition namely, C.W.J.C. No. 9086 of 1992 (Dinesh Sharma & Ors. Vs. The State of Bihar & Ors.). The said writ petition was allowed and the respondent no.1 was directed to consider the case of all the petitioners in accordance with law. Thereafter, the State moved in L.P.A bearing L.P.A. No.488 of 1999 (The State of Bihar & Ors. Vs. Dinesh Sharma & Anr.) in which *vide* order dated 08.01.2008, the Hon'ble Division Bench



of this Court allowed the said L.P.A. with observation that the then writ petitioners have disqualified themselves because of their refusal or failure to appear at the physical tests and in result, the very basis of the writ petitions was gone.

4. Learned counsel for the petitioners submits that the petitioners have moved before this Hon'ble Court in the present writ petition i.e. C.W.J.C. No. 400 of 2022 on the ground that similarly situated persons moved in C.W.J.C No. 5631 of 1999 (Pramod Narain Tiwari & Ors. Vs. The State of Bihar & Ors.) and S.L.P. (C) No. 7436 of 2018, relief was granted to them. Therefore, the present petitioners are also entitled for the same relief which was granted to the petitioners of C.W.J.C No. 5631 of 1999 as well as petitioners of S.L.P. (C) No. 7436 of 2018.

5. It is made clear in law that the decision of L.P.A. No. 488 of 1999 which was allowed in favour of the State *vide* order dated 08.01.2008 was final against the present petitioners, and the petitioners have neither file a review petition nor challenge the said order passed in L.P.A before the Hon'ble Supreme Court of India. Therefore, the said order acquired finality and after lapse of 14 years, the petitioners have moved before this Hon'ble Court afresh.



6. In this view of the matter, this Court shall not permit the case of the petitioners to be entertained after a huge/inordinate delay. Hence, the present writ petition stands dismissed.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	09/12/2025
Transmission Date	NA

