

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.331 of 2025**

1. Prabhakar Singh Son of- Krishna Nand Singh Resident of Village- Rangra, P.O.- Rangra, P.S.- Rangra Chowk, District- Bhagalpur, Pin Code- 853204.
2. Subodh Ram Son of- Khantar Ram Resident of Village- Kumadpur, P.O.- Sadhua, P.S.- Rangra Chowk, District- Bhagalpur, Pin Code-813204.
3. Amit Kumar Singh Son of- Raj Kumar Singh Resident of Village Kumadpur, P.O. Sadhua, P.S.- Rangra Chowk, District- Bhagalpur, Pin Code- 853204.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Principal Secretary, Home Department, Government of Bihar, Patna.
4. The District Magistrate-cum-Chairman, District Selection Committee, Bhagalpur, District- Bhagalpur.
5. The Superintendent of Police, Bhagalpur, District- Bhagalpur.
6. The Superintendent of Police, Naugachia, District- Bhagalpur.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Yadav, Advocate  
For the Respondent/s : Mr. Standing Counsel (22)

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      21-01-2025                  Heard Learned Counsel for the petitioners and  
Learned Counsel for the State.

2. The present writ petition has been filed for the following reliefs:-

*“(i) To issue a writ of mandamus, commanding and directing the Respondent authority concern to include the names of these petitioners in the final merit list and accordingly appoint 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 2/12/2024 to be appointed the exactly other similarly situated persons for their appointment on the post in question after finalizing the issue in question by the Hon'ble Supreme Court, (Annexure- P/4) but similar claim of the petitioner is being discriminated.*

*(ii) For direction to the respondent authorities to publish the final merit list District wise in respect of selection of Home Guard under Bhagalpur District pursuant to Advertisement No. 02 of 2011 in place of Block wise merit list which has been published contrary to the advertisement.*

*(iii) 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.*

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

3. Learned Counsel for the State raised preliminary



objection and submits that the petition has been filed for issuance of writ of mandamus.

4. The condition precedent for issuance of writ of mandamus is filing representation which is lacking in the present writ petition.

5. As such, this writ petition is disposed off directing the petitioners to file representation before the authority concerned within four weeks from today which shall be disposed of within 90 days from the date of filing representation along with a copy of this order.

**(Dr. Anshuman, J)**

Mkr./-

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