

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19699 of 2024**

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1. Mangal Kumar son of Naresh Prasad Yadav resident of Village- Koili, P.S. and Block- Jagdishpur, District- Bhagalpur.
2. Boski Yadav @ Boski Kumar Son of Gale Yadav resident of Village- Chhilia (Koili), P.S. and Block- Jagdishpur, District- Bhagalpur.
3. Ram Prawesh Son of Parmanand Prasad resident of Village- Koili Khutaha, P.S. and Block- Jagdishpur, District- Bhagalpur.
4. Badal Das Son of Ramdeo Das resident of Village- Karampur, P.S. and Block- Jagdishpur, District- Bhagalpur.
5. Chandan Das Son of Ashok Das resident of Village- Karampur, P.S. and Block- Jagdishpur, District- Bhagalpur.
6. Sipak Kumar Son of Saleswar Prasad Yadav resident of Village- Chhiliya, P.S. and Block- Jagdishpur, District- Bhagalpur.
7. Mithun Kumar Son of Suresh Prasad Yadav resident of Village- Koili, P.S. and Block- Jagdishpur, District- Bhagalpur.
8. Dwarika Prasad Mandal Son of Bisheshwar Mandal resident of Village- Chhiliya, P.S. and Block- Jagdishpur, District- Bhagalpur.
9. Rabindra Kumar Son of Manikant Prasad resident of Village- Koili, P.S. and Block- Jagdishpur, District- Bhagalpur.
10. Md. Manwwar Nasim Son of Md. Nasiuddin @ Nasim Uddin resident of Village- Jagatpur, P.S.- Lodipur, Block- Sabour, District- Bhagalpur.
11. Binit Kumar Son of Hemchandra Yadav resident of Village- Basantpur, P.S.- Lodipur, Block- Sabour, District- Bhagalpur.
12. Chunni Devi Wife of Vishwanath Yadav resident of Village- Koili, P.S. and Block- Jagdishpur, District- Bhagalpur.
13. Birju Kumar Son of Naresh Prasad resident of Village Koili, P.S. and Block- Jagdishpur, District- Bhagalpur.
14. Ravi Kumar Son of Raj Kishore Yadav resident of Village Khutaha, P.S.- Lodipur, Block- Goradih, District- Bhagalpur.
15. Sweety Kumari D/o- Kamaldeo Yadav, Wife of Rajesh Kumar Yadav resident of Village-Bishanpur Juchho, P.S.- Lodipur, Block-Goradih, District- Bhagalpur.
16. Pradip Kumar Mandal Son of Saryug Prasad Mandal resident of Village- Anandpur, P.S.- Lodipur, Block- Goradih, District- Bhagalpur.
17. Mithun Kumar Yadav Son of Vishnu Dev Yadav resident of Village Agarpur, P.S.- Lodipur, Block- Goradih, District- Bhagalpur.
18. Suman Kumar Son of Sumit Sah resident of Village- Vangaon Khutaha, P.S.- Lodipur, Block- Goradih, District- Bhagalpur.
19. Kundhir Kumar Son of Ram Khelawan Prasad resident of Village- Khutaha,



P.S.- Lodipur, Block-Goradih, District- Bhagalpur.

- 20. Mandhir Kumar Son of Ram Khelawan Prasad resident of Village- Khutaha, P.S.- Lodipur, Block-Goradih, District- Bhagalpur.
- 21. Santosh Kumar Son of Sakhan Lal Yadav resident of Village- Khutaha, P.S.. Lodipur, Block- Goradih, District- Bhagalpur.
- 22. Rahul Kumar S/o Badhinath Yadav @Baijnath Yadav R/o Koihi, PS and Block Jagdishpur, District Bhagalpur.
- 23. Abhilasha Kumari Wife of Ram Pravesh Yadav resident of Village- Khutaha, P.S.- Lodipur, Block- Goradih, District- Bhagalpur.
- 24. Pihul Kumar Son of Chenari Yadav resident of Village- Bhaygown, P.S. and Block- Goradih, District- Bhagalpur.
- 25. Ashish Kumar Son of Radheylal Yadav resident of Village- Bhaygaon, P.S. and Block- Goradih, District- Bhagalpur.
- 26. Ashwpati Kumar Son of Late Panchu Prasad resident of Village- Kamarganj, Block Sultanganj, District- Bhagalpur.
- 27. Subodh Kumar Son of Gaina Lal Yadav resident of Village- Tardiha P.S. and Block- Jagdishpur, District- Bhagalpur
- 28. Arbind Kumar Son of Pandit Prasad resident of Village- Chakfatma, P.S. and Block- Jagdishpur, District- Bhagalpur.
- 29. Awadh Yadav @ Awadh Kumar @ Awadh Kumar Yadav Son of Madanlal Yadav resident of Village- Koili, P.S. and Block-Jagdishpur, District- Bhagalpur.
- 30. Hemant Kumar Son of Nageshwar Singh resident of Village-Pakkisaray, P.S. and Block-Kahalgaon, 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

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**Appearance :**

For the Petitioner/s : Mr. Chandra Kant, Adv.  
For the Respondent/s : Mr. Birju Prasad, GP-13

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**



2      09-01-2025                      Heard Mr. Chandra Kant, learned counsel for the petitioners and Mr. Birju Prasad, learned counsel 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.

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.4, 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.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 eight weeks.

8. The writ petition stands disposed off.

**(Harish Kumar, J)**

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