

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7956 of 2025

Birendra Mahto Son of Late Chote Lal Mahto, Resident of village- Laxmipur Lal Chan, P.O.- Chaytola, P.S.- Bihariganj, District- Madhepura, At present Company Commander in the office of District Commandant of Bihar Home Guard, Bagaha.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Bihar Patna.
2. The Principal Secretary, Department of Home, Govt. of Bihar Sardar Patel Bhawan, Jawaharlal Neharu Road, Patna- 23.
3. The Secretary, through the State of Bihar Home Department Bihar-Cum-Chairman, Promotional Screening Committee, Bihar.
4. The Addl. Secretary, Department of Home (Special Branch), Govt. of Bihar, Sardar Patel Bhawan, Jawaharlal Neharu Road, Patna- 23.
5. The Joint Secretary, Department of Home (Special Branch), Govt. of Bihar, Sardar Patel Bhawan, Jawaharlal Neharu Road, Patna- 23.
6. The Deputy Secretary, Department of Home (Special Branch), Govt. of Bihar, Sardar Patel Bhawan, Jawaharlal Neharu Road, Patna- 23.
7. The Section Officer, L. Section, Department of Home (Special Branch), Govt. of Bihar, Sardar Patel Bhawan, Jawaharlal Neharu Road, Patna- 23.
8. The Chairman, Bihar Public Service Commission, Jawaharlal Nehru Road, Patna- 23.
9. The Accountant General, Birchand Patel Patha (R.Block), Patna.
10. The Principal Secretary, General Administration Department, Government of Bihar, Old Secretary, Patna.
11. The Principal Secretary, Finance Department, Government of Bihar, Old Secretary, Patna.
12. The Director-Cum- Commandant General, Bihar Home Guard Police, Head Office, Chhacjjubagh, Patna.
13. The Inspector General Cum Additional Commandant General, Bihar Home Guard Police, Head Office, Chhacjjubagh, Patna.
14. The Deputy Commandant General, Bihar Home Guard Police, Head Office, Chhacjjubagh, Patna.
15. The Commandant- A, Bihar Home Guard Police, Head Office, Chhacjjubagh, Patna.
16. Sri Manish Kumar, Son of Late Arun Kumar Verma, Resident of Mohalla-Postal Park, Chiraiyatar, Patna, At present posted as District Commandant, Bihar Home Guard Office, Bettiah.
17. Sri Aman Kumar Singh, Son of Late Bhim Singh, Resident of village-Gobrahi Tola, P.O.- Chaiful, P.S.- Daudpur, District- Chapra, at present



posted as District Commandant Headquarter Bihar Home Guard, Patna.

18. Sri Parag Kumar Sinha, Son of Late Shiv Kumar Sinha, Resident of Mohalla- Mirjanhat, P.O.- Mojahindpur, District- Bhagalpur, At present posted as Inspector , District Commandant Office, Bihar Home Guard Banka.
19. Sri Manish Kumar, Son of Late Basudeo Parihar, Resident of village- Gowagachi, P.O.- Hemkunj, P.S.- Manihari, District- Katihar, At present posted as Inspector, Bihar Home Guard Office, Purnea.
20. Sri Imranul Haq, Son of Late Baijul Haq, Resident of village- Rasulpur, P.O.- Dumari, P.S.- Fatuha, District- Patna, At present posted as Inspector, Bihar Home Guard Office, Nawada.
21. Sri Rajiv Ranjan Prasad, Son of Late Dinesh Prasad Sharma, Resident of Manju Tent House, Mithapur, P.O.- G.P.O., District- Patna, At present posted as Company Commander Bihar Home Guard Office, Muzaffarpur.
22. Sri Sunil Das, Son of Late Kashinath Das, Resident of Muhalla- Housing Colony, House No.- B/132, Kankarbagh, District- Patna At present posted as Company Commander Bihar Home Guard Office, Vaishali, Sampriti Head Quarter, Bihar Home Guard Office, Chhajubagh, Patna.
23. Sri Pranay Kumar Sinha, Son of Late Prem Shankar Sinha, Resident of Muhalla- Khajurbanna, P.O.- Mahendru P.S.- Sultanjganj, District- Patna (Bihar), At present posted as Compar.y Commander Head Qurter, Bihar Home Guard Office, Chhajubagh, Patna.
24. Shri Abhishek Sinha, Son of Late Ashok Kumar Sinha, Resident of North Mandiri, District- Patna (Bihar), At present posted as Company Commander, Bihar Home Guard Office, Jehanabad, Sampriti posted at Head quarter, Home Guard Office, Chhajubagh, Patna.
25. Sri Sunny Kumar, Son of Late Dinanath Thakur, Resident of Mohalla- Patthar Ki Maszid, Tekari Road, Patna At present posted as Company Commander, District Commandant Office, Bihar Home Guard Office, Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bishwajeet Pandey, Advocate
For the State	:	Mr. Dr. Md. Raisul Haque (SC-10)
For the BPSC	:	Mr. Sanjay Pandey, Advocate
		Mr. Nishant Kr. Jha, Advocate
		Mr. Prabhakar Pahepuri, Advocate
For the AG	:	Ms. Ritika Rani, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-04-2026 Heard learned counsel for the petitioner, learned
counsel for the State, learned counsel for the Bihar Public



Service Commission (B.P.S.C) and learned counsel for the Accountant General, Bihar, Patna.

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

“I. For issuance of writ/writs in the nature of mandamus commanding the Respondent 1st set to immediately gave promotion to the petitioner to the post of Inspector in Home Guard Bihar since the petitioner is entitled for this post in all the four corners.

II. For commanding the Respondent 1st set to immediately gave promotion to the petitioner since the petitioner is completed the stipulated time period (Kalawadhi) for his promotion on the post of Inspector in the Home Guard.

III. For commanding the respondent as to why the petitioner has not been promoted till date on the post of Inspector though he is quite eligible person for the post of Inspector.

IV. For commanding the respondent as to why genuine grievances of the petitioner has not been redressed yet though he has represented himself physically before the authority concerned and made request for his promotion on the post of Inspector in the Home Guard, Bihar.

V. For commanding the Respondent 1st set to grant promotion to the petitioner from the



date on which the petitioner became entitled.

VI. For commanding the Respondent 1st set to pay all the consequential benefit to the petitioner at the rate of 14% per annum since the date of due to the date of promotion.”

3. Learned counsel for the State raised preliminary objection and submits that by virtue of this writ petition, prayer of writ of mandamus has been sought for, but not a single representation has been attached. He submits that counter affidavit has been filed and there is a departmental proceeding pending against the petitioner.

4. As such, this Court without entering into the merit or demerit of this case hereby directs the petitioner to first file his representation before the competent authority, and then move before this Hon’ble Court.

5. Accordingly, this writ petition stands disposed off.

(Dr. Anshuman, J)

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