

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8991 of 2025

Vinda Kumar Son of Dev Prasad, Resident of Village- Dohra, P.S.- Nardiganj,
District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. Additional Chief Secretary, Department of Home, Govt. of Bihar.
3. D.G. of Police, Bihar, Patna
4. Director General, Bihar Home Guard, Patna.
5. Collector, Nawada -cum- Chairman District Selection Committee, Home Guards, Nawada.
6. District Commandant -cum- Secretary District Selection Committee, Home Guard, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ebrahim Kabir, Advocate Ms. Shruti Sinha, Advocate
For the State	:	Mr. Pankaj Kumar (SC-12) Mr. Pramod Kr. Yadav (AC to SC-12)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-05-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

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

*“1. That this is an application for issuance of
an appropriate writ, order or direction for
quashing Memo No.- 308/Home Guard,
Nawada dated 24.02.2025 issued by Collector,
Nawada to the extent it relates to the petitioner
whose case as been discussed at Serial-10 and
petitioner selection fer admission of Home
Guard against advt. no.- 2/2011 has been*



cancelled i.e. Annexure-P/1 and for a direction to the respondents to grant admission to the petitioner as Home Guard in the district of Nawada and for any other order or orders as your lordships may deem fit and proper under the circumstances of this case.”

3. Learned counsel for the petitioner submits that the petitioner has appeared for his admission in the list of Home Guard by virtue of Advertisement no. 02/2011 after passing physical test. Counsel submits that the petitioner fulfills all the criteria. The petitioner has also passed the physical test, but he has not given admission on the ground that in the character verification, he was found to be accused in a criminal case in which, the charge sheet has been submitted against the petitioner and in the said case, punishment is more than seven years. Counsel submits that Annexure-P/4 is the decision of the committee in which one of the candidate at serial no.3 against whom criminal case was lodged, his name was admitted in the list, but name of the petitioner including others have not been inserted in the list. He further submits that the said decision of the respondent authorities that some persons against whom criminal case has been lodged has been considered, but the petitioner against whom also criminal case has been lodged has



not been considered is basically gross violation of the constitutional provisions and the applicability of the inequality clause.

4. Learned counsel for the State, on the other hand, submits that the counter affidavit has been filed. He submits that in the impugned order itself, it has been categorically mentioned that the candidature of those persons were considered who is accused in a criminal case in which three years of punishment is there. He submits that in the administrative guidelines, there is a specific provision that where applicant is facing trial for offences where maximum penalty can be death or imprisonment for more than seven years, shall not be subject to taken admission and would be disqualified. He submits that there is also specific provision that the petitioner is a candidate who is accused of a criminal case in which he has been charge sheeted where punishment is more than seven years. Therefore, his candidature has not been considered whereas, the person about whom the petitioner is indicating is accused in a case in which offence is prescribed for three years and he has been appointed with a condition that if he will be convicted, then also he shall be removed. The said guidelines of the government has not been challenged by the petitioner, rather, the decision has been



challenged.

5. This Court is of the view that said decision has been taken by the respondent authority in accordance with the guidelines which is attached as Annexure-R/C on which, opinion of the Advocate General, Bihar, Patna has come on 25.07.2024. This Court is of the firm view that the respondent authorities have taken decision completely in accordance with the letter issued by the Home Department Special Branch, Govt. of Bihar i.e. letter No. 7976 dated 04.09.2024.

6. Therefore, this Court finds that there is no need of any interference, as the respondent authorities have taken decision completely in accordance with law. Hence, this writ petition stands dismissed.

(Dr. Anshuman, J)

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