

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**W.P.(PIL) No. 2444 of 2010**

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| 1. Nageshwar Rana, S/o Late Shashi Rana, R/o Village-Nawatanr,<br>PO-Jhenaki, PS-Tundi, District-Dhanbad           |                    |
| 2. Upendra Sharma, S/o Late Kalapati Bhatt, R/o Village-<br>Bakastpura, PO-Yadavpur, PS-Barwadda, District-Dhanbad |                    |
|                                                                                                                    | ... .. Petitioners |
| 1. The State of Jharkhand                                                                                          |                    |
| 2. District Commandant, Home Guards, PO & PS-Dhanbad, District-<br>Dhanbad                                         |                    |
|                                                                                                                    | ... .. Respondents |

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**CORAM:                    HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE RAJESH SHANKAR**

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| For the Petitioners | : Mr. Shwetang Kumar Tiwari, Advocate<br>Mr. Rahul Kumar Mishra, Advocate |
| For the Respondents | : Mr. Jayant Franklin Toppo, GA-V<br>Mr. Amrit Raj Kisku, AC to GA-V      |

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**Order No. 10**

**Dated: 09.04.2026**

1. Heard learned counsel for the parties.
2. By instituting this purported Public Interest Litigation, the petitioners question the appointments of Home Guards pursuant to an advertisement dated 05.12.2008.
3. Mr. Shwetang Kumar Tiwari, the learned counsel for the petitioners, has argued the matter very ably by raising the following three grounds:

- (a) *Firstly, he contended that the appointments made are in breach of Clause-6 of the advertisement dated 05.12.2008, which requires the applicants to be residents of rural or urban areas of Dhanbad;*
- (b) *The counter affidavit filed on behalf of the respondents concedes that at least two of the candidates did not fulfil the above requirement.*
- (c) *The petitioners have applied for information under the R.T.I. about the remaining candidates' permanent addresses. In response, the*

*petitioners were informed that the documents annexed by some of the selected candidates had not been issued by the office of the Circle Officer.*

4. Mr. Tiwari, based upon the above grounds, submitted that the reliefs prayed for in the Public Interest Litigation may be granted. He submitted that this is a fit case for ordering an enquiry to the State Vigilance Department or the C.B.I. He further submitted that all appointments made in breach of the prescribed procedure must be quashed and set aside.
5. Mr. Jayant Franklin Toppo, the learned GA-V, at the outset, submitted that there is no public interest involved in this matter. He relied on the decisions of the Hon'ble Supreme Court in the case of **Dr. Duryodhan Sahu & Ors. Vs Jitendra Kumar Mishra & Ors., (1998) 7 SCC 273** and **Bholanath Mukherjee & Ors. Vs Ramakrishna Mission Vivekananda Centenary College & Ors., (2011) 5 SCC 464** to submit that in service matters, no P.I.Ls should be entertained.
6. Besides, Mr Toppo submitted that the appointment of Home Guards is ordinarily for a tenure of one year, which can be extended up to a maximum of four years. He submitted that, as per his instructions, after the appointments were made under the advertisement dated 05.12.2008, further, three sets of appointments have been made, given the timeline between 2008 and 2026. Accordingly, he submitted that the reliefs in this petition have become infructuous without prejudice to the

contention, and even otherwise, there was no irregularity or illegality in the selection process.

7. The rival contentions now fall for our determination.
8. Firstly, we are satisfied that this matter cannot be entertained as a Public Interest Litigation. If at all any of the applicants pursuant to the advertisement dated 05.12.2008 were aggrieved on account of their non-selection or on account of the selection of non-eligible applicants, then, they should have approached this Court seeking relief for themselves. This is certainly not a case in which the applicants in the recruitment process could be characterised as downtrodden persons incapable of seeking redress, assuming they had any grievances about the selection process.
9. The decisions in the case of **Dr Duryodhan Sahu** (supra) and **Bholanath Mukherjee** (supra) support Mr Toppo's contention that ordinarily in service matters, Public Interest Litigations ought not to be entertained.
10. In any event, we also agree with Mr Toppo that the reliefs in this petition are by now rendered substantially infructuous. The challenge was specifically to the appointments made pursuant to the advertisement dated 05.12.2008. As submitted by Mr Toppo, such appointments would have continued (if at all) for a period of four years. The petitioners have not bothered to place on record any details of further recruitments or whether the persons appointed under the advertisement dated 05.12.2008 have

continued as Home Guards.

- 11.** Even if the widest latitude is shown to the petitioners by treating this petition as a petition seeking a writ of quo warranto, where the rules of locus-standi are generally relaxed, still, such a writ cannot be issued after the incumbent has ceased to hold a post. Besides, there would always be the issue of whether a temporary appointment of any person as a Home Guard would be questioned by seeking a high prerogative writ of quo warranto.
- 12.** Though the petitioners have alleged illegalities and irregularities in the recruitment process, the allegations are general rather than specific. Besides, the petitioners have also not bothered to implead the parties whose appointments the petitioners' question. At least prima facie, such parties would be necessary parties.
- 13.** Therefore, even after considering Mr Tiwari's submissions, we do not think that this is a case where any relief could be granted to the Petitioners.
- 14.** For all the above reasons, we dismiss this Public Interest Litigation without any order for costs.

**(M. S. Sonak, C.J.)**

**(Rajesh Shankar, J.)**

April 09, 2026  
Manish/Ritesh  
N.A.F.R.

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