

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2153 of 2012

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1. Ajay Kumar S/O Sri Mahendra Prasad, Resident of Village - Shreechandpur, P.O. & P.S. - Harnaut, District - Nalanda, Bihar
 2. Sri Mahendra Prasad S/O Sri Dular Mahto, Resident of Village - Shreechandpur, P.O. & P.S. - Harnaut, District - Nalanda, Bihar

.... Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Railways, New Delhi
2. The General Manager, East Central Railways, Hajipur
3. The Senior Personnel Officer (Recruitment), East Central Railways, Hajipur
4. The Divisional Railway Manager, East Central Railways, Danapur
5. The Chief Engineer, Rail Coach Repair Workshop, Harnaut
6. The State of Bihar, Through The Secretary, Revenue And Land Reforms Department, Patna
7. The Collector, Nalanda
8. The District Land Acquisition Officer, Nalanda

.... Respondent/s

with

Civil Writ Jurisdiction Case No.2519 of 2012

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Shiv Kumar Sinha @ Shiv Prasad S/O Late Chandeshwar Mahto @ Chandeshwar Prasad, R/O Village- Shreechandpur, P.O. & P.S.- Harnaut, District- Nalanda, Bihar

.... Petitioner/s

Versus

1. The Union of India Through Secretary Ministry of Railway, New Delhi
2. The General Manager, East Central Railways, Hajipur
3. The Senior Personnel Officer (Recruitment), East Central Railways, Hajipur
4. The Divisional Railway Manager, East Central Railways, Danapur
5. The Chief Engineer, Rail Coach Repair Workshop, Harnaut
6. The State of Bihar Through The Secretary Revenue And Land Reforms Department, Patna
7. The Collector, Nalanda
8. The District Land Acquisition Officer, Nalanda

.... Respondent/s

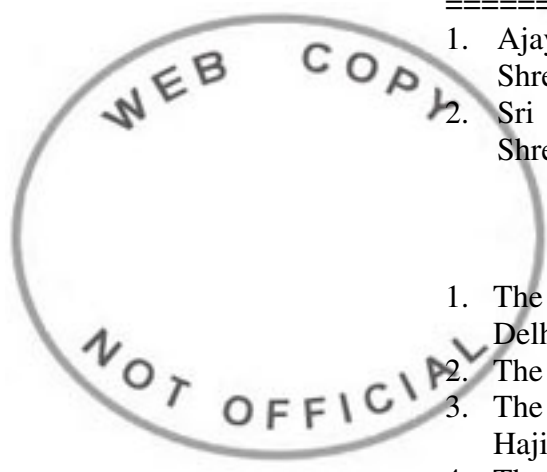
with

Civil Writ Jurisdiction Case No.2774 of 2012

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1. Ramesh Prasad S/O Late Chandeshwar Singh, Resident of Village:- Shrichanderpur, P.O. & P.S.-Harnaut, District:-Nalanda, Bihar
 2. Kaushal Kumar S/O Ramesh Prasad, Resident of Village:- Shrichanderpur, P.O. & P.S.-Harnaut, District-Nalanda, Bihar

.... Petitioner/s

Versus



1. The Union of India through Secretary, Ministry of Railways, New Delhi
2. The General Manager, East Central Railways, Hajipur
3. The Senior Personnel Officer (Recruitment), East Central Railways, Hajipur
4. The Divisional Railway Manager, East Central Railways, Danapur
5. The Chief Engineer, Rail Coach Repair Workshop, Harnaut
6. The State of Bihar Through The Secretary, Revenue And Land Reforms Department, Patna
7. The Collector, Nalanda
8. The District Land Acquisition Officer, Nalanda

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.5769 of 2012

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Sanjay Kumar @ Sanjay Prasad @ Sanjay Kumar Singh S/O Late Sukan Singh, R/O Village- Shreechandpur, P.O. & P.S.- Harnaut, District- Nalanda, Bihar

.... Petitioner/s

Versus

1. The Union of India through Secretary Ministry of Railways, New Delhi
2. The General Manager, East Central Railways, Hajipur
3. The Senior Personnel Officer (Recruitment), East Central Railways, Hajipur
4. The Divisional Railway Manager, East Central Railways, Danapur
5. The Chief Engineer, Rail Coach Repair Workshop, Harnaut
6. The State Of Bihar Through The Secretary Revenue And Land Reforms Department, Patna
7. The Collector, Nalanda
8. The District Land Acquisition Officer, Nalanda

.... Respondent/s

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Appearance :

(In CWJC No.2153 of 2012)

For the Petitioner/s : Mrs. Sheela Sharma
Mr. Shivendra Kumar Roy

For the respondent No. 2 to 5: Mr. Ashok Kumar Keshari

For the Respondent No.6 to 8 : Mr Madhukar Mishra, AC to SC-31

(In CWJC No.2519 of 2012)

For the Petitioner/s : Mrs. Sheela Sharma
Mr. Shivendra Kumar Roy

For the respondent No. 2 to 5: Mr. Ashok Kumar Keshari

For the Respondent No.6 to 8 : Mr Krishna Chandra, AC to AG

(In CWJC No.2774 of 2012)

For the Petitioner/s : Mrs. Sheela Sharma
Mr. Shivendra Kumar Roy

For the respondent No. 2 to 5: Mr. Ashok Kumar Keshari

For the Respondent No.6 to 8 : Mr Krishna Chandra, AC to AG

(In CWJC No.5769 of 2012)

For the Petitioner/s : Mrs. Sheela Sharma
Mr. Shivendra Kumar Roy

For the respondent No. 2 to 5: Mr. Ashok Kumar Keshari
For the Respondent No.6 to 8 : Mr Krishna Chandra, AC to AG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 17-09-2015

In all the above four writ petitions, issues of facts and law involved are identical and common; therefore, with the consent of the parties, all these four matters have been taken up together for consideration on merits.

Reliefs sought for on behalf of the petitioner(s) of all the above four writ petitions are exactly same and common for grant of compensatory employment to them on account of acquisition of their lands by the respondent Railways. For better appreciation, relief sought for by the petitioners of CWJC No.2153 of 2012, which have been enumerated in paragraph-1 of the aforesaid writ petition are reproduced herein below:

“1. That the present writ petition is being filed for the following reliefs:-

- (a) For a declaration that the actions of the Respondents concerned in not granting employment to the land owners whose land has been compulsorily acquired for establishment of Railways Workshop at Harnaut and for a verbal assurance was given by the then Railway Minister in a Public Meeting in presence of the then Hon’ble President of India, is an arbitrary exercise of power by the Respondents and also in contravention of Article 14 and 21 of the Constitution of India.
- (b) For issuance of a writ in the nature of Mandamus directing the respondents concerned to consider the case of the petitioner for appointment on suitable post out of the vacancies existing in the Group ‘C’ and Group ‘D’ posts in Harnaut workshop of Respondent Railways, in lieu of establishment of which the agricultural

land of the petitioner was acquired
alongwith the land of other land owners.
(c) For any other Relief/s as your Lordship
may deem fit and proper in the facts and
circumstances of the case”

At the very threshold, learned counsel appearing on behalf of the respondent no.2 to 5 of all the above writ petitions, has submitted, and has not been disputed by the learned counsel appearing on behalf of the petitioners of all the cases, that identical issues/ claims came up for consideration before a learned Single Judge of this Court in CWJC No. 23015 of 2011, which was ultimately dismissed by a reasoned order dated 30.01.2012 and claim of compensatory employment was rejected. The petitioner of that writ case, being not satisfied with that order, filed LPA No. 399 of 2012, which was dismissed by a Division Bench of this Court by an order dated 18.06.2014, and order passed by the writ court was upheld.

In view of the aforesaid judgment of the learned Single Judge, which was duly affirmed by a Division Bench of this Court, as referred to above, this Court is left with no option, but to dismiss the writ petition. Accordingly, all the above four writ petitions are dismissed, but without costs.

(Birendra Prasad Verma, J)

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