

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13443 of 2017

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Abhay Kumar, S/o Late Mithilesh Ram @ Mithilesh Prasad, Resident of Village-
Kutbanchak, P.O.- Jamanganj, P.S.- Makhdumpur, District- Jehanabad (Bihar).

.... Petitioner

Versus

1. The Union of India through the Chairman, Railway Board Rail Bhawan, New Delhi.
2. The General Manager, East Central Railway Hajipur, Bihar.
3. The Divisional Railway Manager, Mughalsarai.
4. The Senior Divisional Commercial Manager Mughalsarai.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ranjeet Tiwary, Advocate
For the Respondent/s : Mr. Anil Kumar Sinha, Advocate
Mr. Akash Keshav, Advocate
Mr. Yash Mathur, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

And

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 06-11-2017

Having heard learned counsel for the petitioner and learned counsel for the Railways, and having gone through the records and the pleadings, we do not feel that the order dated 26.05.2017 passed in O.A. No. 816/2013 is required to be interfered with.

It is evident that the petitioner, with the object of deriving benefit of employment on a Class – IV post, hurriedly made deposits of the license fee in a lump sum manner after the announcement was made and an effort was made to create a picture that he was regular Coolie duly licensed which is



inherited from his father.

The order of transfer of the license of his father in the favour of petitioner would have become valid provided the requisite fee would have been deposited by the petitioner. The offer has to be completed by acceptance since it was not done at the relevant time, a subsequent conduct of depositing the same will not have the effect of relating back to the previous order of transfer but will relate to from the date the license fee was deposited, if at all.

The Tribunal, therefore, has rightly dismissed the O.A. application as no case in favour of the petitioner is made out for a direction to consider of his case for employment on Class-IV post as he cannot be said to be a valid license holder of a Coolie.

This application is dismissed.

(Ajay Kumar Tripathi, J.)

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
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