

Mr. Kisan Ramchandra Kator	}	Petitioner
versus		
State of Maharashtra and Ors.	}	Respondents

Mr. V. N. Sagare-AGP for State.

DATE :- SEPTEMBER 11, 2017

1. Heard learned counsel appearing for the petitioner. We have gone through the contents of the writ petition. The matter is coming up for admission today. On going through the contents of the writ petition, we are of the opinion that the writ petition cannot be entertained for the reasons mentioned below.

2. Apparently, the father of the petitioner was holding land bearing Survey No. 334/B/1 situated at village Thal, Taluka Alibag, District Raigad admeasuring 60 gunthas. The said land came to be acquired for the purpose of establishing M/s. Rashtriya Chemicals and Fertilizer's factory in Raigad district. It

is also not in dispute that the said land came to be acquired and award came to be passed in the year 1980 itself. The certificate at Exhibit 'A' dated 29th January, 1981 at page 23 of the writ petition seems to have been issued by the District Collector, Alibag (Raigad). Based on the said certificate dated 29th January, 1981, the petitioner contends that on earlier occasion, when he approached the second respondent management for unskilled employment somewhere in 2004, there was no response. Later on, the petitioner's son applied for a post in the year 2010 followed by 2014. Apart from the petitioner pursuing with the second respondent to secure an employment, the petitioner's son is also trying to secure an employment in the second respondent factory. According to them, in spite of approaching the concerned District Collector and other authorities, neither the petitioner secured any unskilled job nor his son got any job in the second respondent factory though the son of the petitioner has acquired a degree of Bachelor of Engineering.

3. The entire claim of the petitioner hinges upon the certificate dated 29th January, 1981. Reading of this certificate clearly indicates, including the paragraph pointed out by the petitioner's counsel, that the holder of the certificate shall be treated as a project affected person till he secures an employment. None of

the terms of the document dated 29th January, 1981 certifies or gives an undertaking in unequivocal terms that the holder of the certificate is entitled to secure a job on account of losing the land for the purpose of establishing the second respondent factory. Apparently, in the year 1980 the land was lost by the owner of the land i.e. the father of the present petitioner. The petitioner seems to have approached for securing employment as an unskilled person, which was silently rejected by not responding to his application, according to the petitioner. Subsequently, the son of the petitioner tried to secure a job on the basis of a degree of Bachelor of Engineering, but was unsuccessful. Apart from approaching the District Collector and other authorities, they have also approached the Consumer Redressal Forum, which rejected their claim as there was no issue involving right of a consumer and later on, when they approached the appellate authority, the appeal came to be disposed of on the point of limitation.

4. Be that as it may, in order to secure a direction or writ of mandamus directing the respondents to provide an employment to the son of the petitioner, there has to be a document, either in the form of consent or undertaking or direction from an authority that the land losers, who lost the land for the purpose of

establishing the second respondent factory, are entitled to or would be given an employment, either unskilled or skilled, in the second respondent factory. In the absence of such undertaking given by any of the respondent authorities, even if there were to be an advertisement by the second respondent providing percentage of posts or employment to the land loser for the purpose of establishing the factory, unless the applicant fits in within the qualification and the eligibility criteria, he will not be able to get any employment. If the claim of the petitioner was to be that his son was eligible in terms of the advertisement by the concerned authority, but he could not secure the employment, definitely, it could not be part of litigation coming under the Roster i.e. the Land Acquisition Act. It would be a service matter. If the petitioner is seeking an employment as a land loser on the ground of his son securing Bachelor of Engineering degree, then, there has to be a basis to claim such right i.e. either undertaking or such offer by the respondent authorities. In the absence of any such undertaking or right vested in the petitioner, we fail to understand on the basis of Exhibit 'A' dated 29th January, 1981 how the petitioner can approach this court.

5. Apparently, the son of the petitioner was not born when his grandfather lost the land. The petitioner himself has approached

this court in the year 2017 in this case, not for himself but for his son, who was not born when the land was lost by the family. Viewed from any angle, we are of the opinion that neither the petitioner nor his son have any vested right to seek an employment on the ground that their family has lost the land for the establishment of the second respondent factory and they have a right to seek such employment on the basis of Exhibit 'A' dated 29th January, 1981.

6. For the reasons mentioned above, we are of the opinion that the writ petition fails and accordingly, it is dismissed.

(N. M. JAMDAR, J.)

(CHIEF JUSTICE)