

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12360 of 2019

1. Md. Sarfaraz Khan Son of Late Md. Rafik Khan Resident of Village- Usia Khas, Police Station- Dildar Ngar, District- Gazipur (U.P.).
2. Sunil Kumar Singh Son of Late Baikunth Singh Resident of Village- Karhia, Police Station- Gahmar, District- Gazipur (U.P.).
3. Bijendra Kumar Singh Son of Ram Narayan Singh Resident of Village- Majhauri, Post Office- Majhauri, District- Patna (Bihar).
4. Arun Kumar Singh Son of Late Anandi Singh Resident of Village- Mananpur Basti, Police Station- Mananpur, District- Lakhisarai.
5. Arbind Kumar Son of Deep Narain Rai Resident of Village- Aunta, Post Office- Aunta Mokaghat, District- Patna (Bihar).
6. Pramod Kumar Singh Son of Dhananjay Resident of Village- Dadpur, Post Office- Keshopur, District- Jamui (Bihar).
7. Guria Devi Wife of Late Chandan Kumar Resident of Village- Ratanpur, Police Station- Gidhaur, District- Jamui (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. The General Manager, East Central Railway, Hajipur, Vaishali.
3. The Senior Commercial Manager, East Central Railway, Danapur.
4. The Divisional Railway Manager (Commercial), East Central Railway, Danapur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sandeep Kumar, Advocate
		Mr. Ranjan Kumar Jha, Advocate
For the Respondent/s	:	Mr. Arnil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-08-2019 Petitioners in this case have moved this Court for quashing of the Advertisement published in the daily newspaper “Hindustan” on 09.05.2019, whereby the Divisional Rail Manager (Commercial), East Central Railway, Danapur has invited application from the suitable applicants for appointment



of the Halt Contractor for Halt Stations (I) Usiya Khas Halt (ii) Karahiya (iii) Manjhaulia Gram (iv) Bhalui (v) Aunta (vi) Dadpur (vii) Chaura.

Although in the writ application challenge has also been made to a Arbitration Award and some consequential reliefs have been prayed therein, learned counsel for the petitioners has at the outset submitted that he would not be pressing those reliefs in the writ application keeping his options open to pursue their remedy against them in accordance with law.

A counter affidavit has also been filed today on behalf of Railways. Let it be taken on the record.

In course of argument both the parties agree that earlier in an identical matter a learned co-ordinate Bench of this Court had occasion to consider C.W.J.C. No. 15770 of 2008 and its analogous matters which were disposed of on 10.11.2009. A copy of the judgment has been brought on record as Annexure 'P/6' to the writ application. Attention of this Court has been drawn towards the concluding part of the judgment which read as under:

“One aspect, which cannot be overlooked, is that the present halt contractors are not disqualified from appearing or participating in the selection process. That by itself shows that the policy in no way creates any impediment in fresh or reconsideration



of the present halt contractors, who have otherwise had a long stint with the railways. To say that the railways cannot implement the said policy and no exercise can be carried out by them for fresh selection, is overstaying the provisions of law.

The writ applications are disposed of with an observation that before selection or appointment of new halt contractors are effected, the petitioners would be required to be given one month's notice in writing by the respondents expressing their desire to bring to an end the agreements. Till that is done, the petitioners would not be removed.

All the writ applications stand disposed of with the aforesaid observation.”

Learned counsel for the petitioners submit that the petitioners would be satisfied if this Court simply declares that the operative part of the said judgment would equally apply in the case of the petitioners.

Learned counsel for the Railways submits that since there is an order of this Court on the issue involved in the present writ application, let the operative part of the judgment of this Court as contained in Annexure ‘P/6’ to the writ application be applied in respect of these petitioners.

The Court has also been informed that the petitioners have participated in the selection process pursuant to the advertisement.

In the aforesaid facts and circumstances of the case, taking note of the aforesaid submissions of the parties, this Court would say that now there is no question of quashing of



the advertisement as the petitioners have already participated and the Railway has agreed to comply with the previous judgment of this Court in respect of the petitioners as well.

In view of the judgment of this Court as contained in Annexure 'P/6' Railway would be bound to abide by the same.

This writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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