

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16684 of 2019

=====

Birendra Prasad Yadav Son of Sri Bhagdeo Rai Senior Trackman, Under Senior Section Engineer (P.Way), East Central Railway, Goraul District-Vaishali (Bihar), Resident of Village-Lal Pokhar, Jagdishpur, Post-Dighi Kalan, PS-Hajipur (Sadar), District-Vaishali (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur. P.O.-Digghi Kalan, P.S.-Hajipur (Sasar), District-Vaishali, PIN Code-844101 (Bihar).
2. The General Manager (Personner), East Central Railway Hajipur, P.O.-Digghi Kalan, P.S.-Hajipur (Sadar), District-Vaishali, PIN Code-844101 (Bihar).
3. The Chief Medical Director, East Central Railway, Hajipur, P.O.-Digghi Kalan, P.S.-Hajipur (Sadar), District-Vaishali, PIN Coce-844101 (Bihar)
4. The Divisional Railway Manager, East Central Railway, Sonpur, P.O.-Sonpur, P.S.-Sonpur, District-Saran (Bihar).
5. The Senior Divisional personnel officer East Central Railway, Sonpur, P.O.-Sonpur, P.S.-Sonpur, District-Saran, (Bihar).
6. The Senior Divisional Personnel Officer, East Central Railway, Sonpur, P.O.-Sonpur, P.S.-Sonpur, District-Saran, (Bihar).
7. The Chief Medical Superintendant East Central Railway Hospital, Sonpur, P.O.-Sonpur, P.S.-Sonpur, District-Saran, (Bihar).

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Munna Pd Dixit, Advocate Mr. S.K. Dixit, Advocate Mr. Sanjay Kumar Choudhary, Advocate Mrs. Swastika, Advocate Mr. Shailendra Kumar, Advocate
For the Respondent/s	:	Mr.Ramadhar Shekhar (Addl Tanding Counsel)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA



ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 17-08-2019 Heard Shri Dixit, learned counsel for the petitioner and the learned counsel for the Railways.

The short question involved in this case is as to whether the petitioner can get the benefit of a largesse scheme for appointment of his son. The moot question, therefore, which falls for consideration is that whether the petitioner's son was entitled to such appointment under the scheme as according to the petitioner the benefit had already accrued to him which cannot be hit by any subsequent pronouncement or declaration of law on the basis whereof the Tribunal has declined relief to the petitioner.

We find that the Punjab and Haryana High Court had struck down the said largesse scheme as unconstitutional and the same has been upheld by the Apex Court. In the said background, once the scheme itself has been declared as unconstitutional, whether the petitioner had any accrued right or not cannot be gone into inasmuch as neither the Tribunal nor this Court can now issue a mandamus for grant of any such benefit once the scheme itself has been held to be unconstitutional and struck down.

The petition lacks merit and is, accordingly,



dismissed.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

K.C.Jha/-

U			
---	--	--	--

