

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2846 of 2020

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Manoj Kumar, son of Late Saryug Yadav, resident of village- Ekadh, P.s.-
Nawhatta, District- Saharsa.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Irrigation, Government of Bihar, Patna.
2. The Principal Secretary, Department of Irrigation, Government of Bihar, Patna.
3. The Joint Secretary, Department of Irrigation, Government of Bihar, Patna.
4. The Chief Engineer, Birpur, Supaul.
5. The District Magistrate, Supaul.
6. The Rehabilitation Officer, Koshi Project, Saharsa.
7. The Circle Officer, Block- Nawhatta, District- Saharsa.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Anil Kumar Jha, Sr. Advocate Mr. Prafull Chandra Thakur
For the Respondents	:	Mr. Vinay Kumar Pandey, AC to (Ga2)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-02-2020 Heard learned Senior Counsel for the petitioner and the
learned Counsel for the respondent State.

The petitioner has assailed the order dated 15.05.2019 passed by the Joint Secretary -cum- Director, Land Acquisition and Rehabilitation, whereby his claim for being extended the benefits of being granted employment under the scheme which was available to persons displaced in the construction of Koshi Bandh way back in the year 1957-1958.

The facts reveal that earlier treating the petitioner as displaced person he had been offered appointment under the scheme for displaced persons. Finding that the petitioner was not a genuine beneficiary, his services were brought to an end vide Annexure 3 issued on 14.6.2003. The petitioner assailed the said order of



termination in the writ proceeding arising out of CWJC No. 1242 of 2003 and the same was considered along with other analogous cases and withdrawn. The petitioner also preferred a review petition vide MJC No. 2523 of 2015 which was rejected.

The issue has attained finality even before the Apex Court in the proceedings arising out of SLP (C) No. 9084 of 2016. This fact is evident from the order dated 25.8.2018 passed on petitioner's second writ petition bearing CWJC No. 1092 of 2017. Taking notice of these facts this Court had disposed of the second writ petition by recording the following orders:-

“Learned counsel for the petitioner submits that land of the petitioner was acquired and on that account he was appointed as Amin. It appears that petitioner and others had challenged the action of the department which was referred to Full Bench in C.W.J.C. No.1242 of 2003 and its analogous cases but the same was withdrawn whereafter a review petition was filed vide MJC No.2523 of 2015 and its analogues cases and the Court has recorded a reasoned order and prayer for review was rejected which has been affirmed by Hon'ble Supreme Court in SLP (C)No.9084 of 2016. He has further submitted that his case on merit was never decided by any authority but on technical ground the claim of petitioner has not been entertained.

This Court can only hope and trust that the Director, Land Acquisition and Rehabilitation Department, Water Resources, Government of Bihar, Patna and Rehabilitation Officer, Koshi Project, Supaul will examine the case of the petitioner and if the authorities arrives to a finding after necessary enquiry that the petitioner would come under the purview of displaced persons on account of construction of Koshi Bandh, in such circumstances, respondents would pass necessary order in accordance with law within a period of six months form the date of receipt/production of a copy of this order.



With the aforesaid observation and direction this writ petition is disposed of.”

Thereafter the petitioner again approached the authorities claiming to be a beneficiary. The claim has been rejected having regard to the fact that already services of the petitioner was terminated since he was not found to be a displaced person under the order dated 14.6.2003 which has never been interferred with or set aside in any proceeding. The Joint Secretary -cum- Director, Land Acquisition and Rehabilitation therefore has rightly rejected the claim of the petitioner in view of the earlier termination of 2003 which has never been interferred with. In fact petitioner had earlier withdrawn his challenge to the same. No relief can be granted contrary to the same.

Counsel for the petitioner has drawn attention of this Court to some other persons who had also been terminated but subsequently treated as beneficiaries of the scheme. However it is not his case that they were parties to the second writ petition filed by the petitioner, which was withdrawn by them. On this ground petitioner cannot claim parity with those persons.

No enforceable claim is made out for interfering with the order dated 15.05.2019.

The writ petition is dismissed.

(Madhuresh Prasad, J)

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