

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3870 of 2021

1. Sunil Kumar Singh Son of Sukhnandan Singh, Resident of Village - Gidha, Post Office- Gidha, Police Station- Koilwar, District - Bhojpur.
2. Sanjay Kumar Singh, Son of Shyam Narayan Singh, Resident of Village - Gidha, Post Office - Gidha, Police Station- Koilwar, District - Bhojpur.
3. Sanjeev Kumar @ Sanjiv Kumar Singh, Son of Ram Lalan Singh, Resident of Village- Gidha, Post Office - Gidha, Police Station- Koilwar, District - Bhojpur.
4. Sanjeet Kumar @ Sanjeet Kumar Singh, Son of Suryanarayan Lal, Resident of Village- Gidha, Post Office - Gidha, Police Station- Koilwar, District - Bhojpur.
5. Mukesh Kumar Singh, Son of Amar Jeet Singh, Resident of Village- Gidha, Post Office - Gidha, Police Station- Koilwar, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate-cum-Collector, Bhojpur at Ara.
3. The District Officer-cum-District Land Acquisition Officer, Bhojpur at Ara.
4. The Bihar Industrial Area Development Authority through its Managing Director, Udyog Bhawan, North Gandhi Maidan, Patna.
5. The Circle Officer, Koilwar, Bhojpur at Ara.
6. The Indian Oil Corporation Limited through its Managing Director -cum- General Manager (HR), 2 Garihat Road (South), Dhakuriya, Kolkata - 68.
7. The Assistant General Manager, Gidha, Bhojpur at Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Advocate
For the Respondent/s : Md. Asif Kalim, AC to AAG-12

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 24-03-2022

Heard learned counsel for respective parties.

In the instant petition, petitioners have prayed for the following reliefs:-

“(i) For direction to the respondent authorities to issue appointment letter to the petitioners in pursuant of letter issued



by the Indian Oil Corporation Limited vide letter No. E/LPG/RECERT dated 28.12.1998 whereby and whereunder the Indian Oil Corporation Limited took decision to appoint the one member of the family whose land acquired by the Government of Bihar for running a business of Indian Oil Corporation in accordance with law.

(ii) For further issuance of direction to the respondent authorities for payment of compensation to the petitioners for delay which was caused by the respondent authorities by way of giving promises that they will be appointed when the vacancy will be available in the Indian Oil Corporation Limited.

(iii) And/or any other relief/reliefs admissible under the law in the light of factual profile of this case in the interest of Justice and law of equity before the law as well as rule of promissory estoppel.”

On 31.01.2022, the following order was passed:-

“The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

The Petitioners are seeking for a direction to appoint on regular basis. The petitioners have not pointed out any statutory provision by which they have vested legal right so as to give direction, therefore, petitioners are hereby directed to furnish copy of the relevant notification under which they have right of appointment. If such a notification is not placed on record, the present petition would be dismissed in the light of Apex



*Court decision in the case of
Mani Subrat Jain V. State of Haryana re-
ported in (1977) 1 SCC
486.*

Re-list this case 28.02.2022.”

Learned counsel for the petitioners submitted that in terms of policy decision dated 28.12.1998 respondent authorities issued Notification on 10.07.1999 and list was prepared by the District Magistrate. The petitioners could not apprise this Court that they had submitted an application pursuant to the Notification dated 10.07.1999.

In the absence of production of such application and establishing that the petitioners have statutory and legal right to seek the aforesaid relief the petitioners are not entitled for issuance of writ of mandamus in terms of the Hon’ble Apex Court decision in the case of **Mani Subrat Jain** (supra).

Accordingly, the present petition stands dismissed.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

