

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20832 of 2019

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1. Rajiv Kumar, son of Late Jagadish Prasad Singh, Resident of Village- Morama, P.s. Rajoun, District- Banka, Bihar, Pin code- 813107.
 2. Jay Prakash Choudhary, son of Fakir Chand Choudhary, Resident of Village- Kumrath, P.S. Kajraili, District- Bhagalpur, Bihar, Pin code- 812005.
 3. Pradip Narayan Yadav, son of Rudra Narayan Yadav, Resident of Village- Sujal Korama, P.s. Rajoun, District- Banka, Bihar, Pin Code- 813105.
 4. Manish Kumar, son of Vijay Kumar, Resident of Village- Jagdishpur, P.S. Jagdishpur, District- Bhagalpur, Bihar, Pin Code- 813105.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railway, Rail Bhawan, New Delhi.
2. The General Manager, Eastern Railway, Kolkata.
3. The Divisional Manager, Eastern Railway, Malda.
4. The Senior Divisional Commercial Manager, Eastern Railway, Malda.
5. The Divisional Commercial Manager- II, Eastern Railway Malda.
6. The Chief Cashier, Eastern Railway.
7. The Divisional Cashier, Eastern Railway, Malda.

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Ramadhar Shekhar (Add.Sc.Railway)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 15-12-2022 Petitioners have prayed for the following relief(s):-

“A. For issuance of a writ in the nature of certiorari for quashing of the Advertisement published in the daily News Paper "Dainik Jagran" on 25.07.2016 (Annexure-5) and Dated 11.01.2017



(Annexure-11) whereby Divisional Rail Manager (Commercial, Malda has Advertised for appointment of Halt Contractor for Halt station (1) Pipradih, (II) Hatpurani Halt, (III) Sanjha Halt and (IV) Jagadishpur Halt, over which petitioners has all ready been appointed since 2006 as a Halt Contractor and accordingly an agreement has been executed between the Respondent no. 5 and time to time it has been extended by way of an agreement, so till today all petitioners are performing their duty to sale the Rail Ticket on commission payable 15% (Minimum Rs. 500/-). Not even petitioners have also participated in the selection process pursuant to the above mentioned advertisement and again they have been selected for Halt contractor for Railway ticket selling work, which was duly informed by Respondent no. 5 bearing letter dated 16.08.2019 (Annexure- 19, 19/A and 19/B) but through this letter it is said that final selection will be through draw of lots on 28.08.2019, which is also in against of law, so this letter i.e. 16.08.2019 also required to be quashed. In spite of that petitioners have filed their representation on 02.09.2019 (Annexure-21) there in it has been brought under the notice of Respondents competent authorities that in an identical matter a Hon'ble co-ordinate Bench of this Hon'ble court had occasion to consider CWJC No. 15770 of 2008 and its analogous matters which were disposed of on 10.11.2009, (Annexure-20) further Hon'ble court in CWJC No. 12360 of



2019. Disposed of on 01.08.2019 (Annexure-20/a) has also affirmed the said order.

(II) Further issue mandamus directing Respondents Authorities particularly Respondent no. 5 to extended in agreement of petitioners, who is working since year 2006 on Halt Contractors on different Eastern Railway Malada Division Halts, or either to take steps in terms of clause-18 of the agreement prior to any final decisions, although petitioners has already been selected previously and presently, so no required to make selection or appoint Halt Contractor through draw of lot. In pursuance of letter dated 16.08.2019 (Annexure-19, 19/A and 19/B)..

(iii) For issuance of any other writ/ order/ direction for which the petitioners are found to be entitled under the facts and circumstances of the case.”

On 12.12.2022, we had passed following order:-

“Despite repeated calls, none has entered appearance on behalf of the parties.

However, in the interest of justice, matter is adjourned.

List this case on 15th of December, 2022, in the category of "Order Matters".”

Even today, despite repeated calls, none has entered appearance on behalf of the petitioners.



As such, the present petition stands dismissed for default.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

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