

Court No. - 34

Case :- WRIT - A No. - 10797 of 2018

Petitioner :- Shyam Karan And 49 Others

Respondent :- Union Of India, Ministry Of Railways And 3 Others

Counsel for Petitioner :- Kamla Prasad Tiwari, Mohan Upadhyay, Rishi Kant Rai, Vinod Kumar Rai

Counsel for Respondent :- Vikash Chandra Tripathi, Devendra Tripathi, Rajesh Tripathi, Rajnish Kumar Rai

with

Case :- WRIT - A No. - 13328 of 2018

Petitioner :- Sanjay Kumar And 35 Others

Respondent :- Union Of India Home Ministry Of Railway And 3 Others

Counsel for Petitioner :- Kamla Prasad Tiwari, Mohan Upadhyay

Counsel for Respondent :- Vikash Chandra Tripathi, Devendra Tripathi

with

Case :- WRIT - A No. - 14292 of 2018

Petitioner :- Narayan Ji Mishra And 35 Others

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Kamla Prasad Tiwari, Mohan Upadhyay

Counsel for Respondent :- A.S.G.I., Devendra Tripathi, Rajnish Kumar Rai, Vikash Chandra Tripathi

with

Case :- WRIT - A No. - 15003 of 2018

Petitioner :- Raj Bahadur Yadav And 12 Others

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Kamla Prasad Tiwari, Mohan Upadhyay

Counsel for Respondent :- Rajnish Kumar Rai, Devendra Tripathi

with

Case :- WRIT - A No. - 15041 of 2018

Petitioner :- Chandrika Chaudhary And Another
Respondent :- Union Of India And 3 Others
Counsel for Petitioner :- Anil Kumar Mishra
Counsel for Respondent :- Rajnish Kumar Rai,Devendra Tripathi

with

Case :- WRIT - A No. - 15993 of 2018

Petitioner :- Shahabuddin And 7 Others
Respondent :- Union Of India And 3 Others
Counsel for Petitioner :- Kamla Prasad Tiwari,Abhishek Kumar,Devesh Mishra,Mohan Upadhyay,Vijay Gautam
Counsel for Respondent :- Rajnish Kumar Rai,Devendra Tripathi

with

Case :- WRIT - A No. - 18437 of 2018

Petitioner :- Mithilesh Kumar And 10 Others
Respondent :- The Union Of India And 5 Others
Counsel for Petitioner :- Vijay Gautam,Vinod Kumar Mishra
Counsel for Respondent :- Rajnish Kumar Rai,Devendra Tripathi

Hon'ble Saurabh Shyam Shamshery,J.

1. This writ petition has been filed seeking following reliefs.

"1. Issue the Writ, Order or Direction in the nature of mandamus commanding the concerned respondent to provide the vigilance report to the petitioners about the Advertisement No.SC-30/65/5-E (Rect.) 1995 dated 23-04-1995 issued by the Eastern Railway for appointment and recruitment Railway Protection Force.

II. Issue the Writ, Order or Direction in the nature of mandamus commanding the concerned respondents to reconsider about Advertisement No.SC-30/65/5-E (Rect.) 1995 dated 23-04-1995 issued by the Eastern Railway for appointment and recruitment Railway Protection Force on the

basis of vigilance report.

III. Issue any such other and further suitable order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the case."

2. In all these writ petitions, similar issues are involved, hence they are being decided by this common order.

3. Heard Shri. Rishi Kant Rai for the petitioners and Shri. Rajesh Tripathi, learned counsel for the Union of India in the leading writ petition, Shri. Devesh Mishra and Vinod Kumar Mishra, learned counsel for the petitioners in Writ Petition No.15993 of 2018 and Shri. Shri. Devesh Mishra, Vinod Kumar Mishra and Harsh Anand, learned counsel for the petitioners in Writ Petition No.18437 of 2018.

4. It is contended that the petitioners were selected candidates in the recruitment process which was initiated in pursuance of Advertisement No.SC-30/65/5-E (Rect.) 1995 dated 23-04-1995 advertisement for Railway Protection Force. It appears that the same was cancelled in the year 1996 and the matter travelled upto the Supreme Court wherein the Special Leave Petition filed by the candidates was dismissed and the Special Leave Petition filed by the Union of India was allowed and order was passed by Calcutta Bench was set-aside.

5. Shri. Rishi Kant Rai, learned counsel for the petitioners submitted that inquiry was conducted against the Chairman of the Selection Committee wherein certain vigilance report was also submitted. However, the delinquent was exonerated from all the charges.

6. In this background, learned counsel for the petitioners submits that the petitioners were the sufferer and the actual

guilty persons were exonerated, therefore, a prayer was made to bring on record the vigilance report and thereafter the result be declared.

7. Shri. Rajesh Tripathi, learned counsel appearing for the Union of India submitted that the prayers made in this writ petition cannot be decided in writ jurisdiction as well as the copy of vigilance report cannot be provided on record at the instance of the petitioners, as challenge to cancellation of the examination at their instance was rejected upto the Supreme Court.

8. It is not in dispute that the petitioners have lost the legal battle to challenge the cancellation of the examination upto the Supreme Court and in the garb of vigilance report, an attempt is being made to open the issue which has been settled by the Supreme Court, which is not permissible, therefore, there is no legal ground to accept the prayers made in this writ petition and to bring on record the vigilance report as well as to restore the examination which was cancelled wayback in the year 1996, therefore, this writ petition sans merit and it is accordingly dismissed.

Order Date :- 27.4.2022
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