

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1695 of 2019

In
Civil Writ Jurisdiction Case No.16079 of 2019

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1. The Union of India through the General Manager, East Central Railway, Hajipur, District- Vaishali.
 2. The Divisional Rail Manager, Sonpur Division, East Central Railway, Hajipur, District- Vaishali.
 3. The Station Manager, Begusarai Station, District- Begusarai.

... .. Appellants

Versus

Dilip Kumar Mahato, Son of Rampreet Mahato, resident of Ward no. 7, Village- Baro, Rajdeopur, Police Station- Barauni, District- Begusarai.

... .. Respondent

with
Civil Writ Jurisdiction Case No. 2171 of 2020

Kaushar Neyazi @ Md. Kaushar Neyazi, Son of Md. Sultan, Resident of Village- Phulwaria, Ward No. 4, P.O.- Barauni, P.S.- Barauni, District- Begusarai.

... .. Petitioner

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur, District- Vaishali.
2. The Divisional Rail Manager, Sonpur Division, East Central Railway, Sonpur, District- Saran.
3. The Station Manager, Barauni Junction, District- Begusarai.

... .. Respondents

Appearance :

(In Letters Patent Appeal No. 1695 of 2019)

For the Appellant/s : Mr. Alok Kumar Agrawal, Sr. CGSC, UOI

For the Respondent/s : Mr. Rakesh Kumar Sharma, Advocate

(In Civil Writ Jurisdiction Case No. 2171 of 2020)

For the Petitioner/s : Mr. Rakesh Kumar Sharma

Mr. Alok Anand, Advocate

For the Respondent/s : Mr. Anand Kumar Ojha, Sr. Advocate (UOI)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)



Date : 21-04-2025

Ref: L.P.A. No. 1695 of 2019

The appellants have assailed the order of the learned Single Judge dated 25.11.2019 passed in C.W.J.C. No. 16079 of 2019.

2. Respondent - Dilip Kumar Mahato, who was allotted space on the platform of Begusarai Railway Station measuring of 5X6 to Public telephone booth. Having regard to the technology, PCO Booth is not feasible to run in the Railway Platform, resultantly, he intends to switch over to any other business. Such change of business policy is not existing with the Appellant – Railway, therefore, Appellant is not entitled to convert the aforementioned PCO Booth purpose to that of any other purpose. Purely it is policy decision of the Appellant-Railways. No doubt, Respondent is 60% disabled person and he had a continuous business for about 24 years. The Railway Authorities, at the best, they can give preference to the Respondent as and when notice inviting application from the eligible candidates for any other business is called for and preference/priority shall be given. If such relaxation provision is not there, the same shall be examined by the Railway Authorities - Appellant. To this extent, the Appellant has made out a case so as to interfere with the order of the learned Single Judge dated 25.11.2019 passed in C.W.J.C. No. 16079 of 2019.



Accordingly, it is modified in the above term.

3. Accordingly, the present L.P.A. No.1695 of 2019 stands disposed of. Pending I.As, if any, stands disposed of.

Ref: Civil Writ Jurisdiction Case No. 2171 of 2020

4. Heard C.W.J.C. No. 2171 of 2020.

5. Petitioner -Kaushar Neyazi @ Md. Kaushar Neyazi case is similar to the L.P.A. No. 1695 of 2019 decided today in the case of The Union of India Versus Dilip Kumar Mahato. Whatever the observation made in the aforementioned decision stands applicable to the present case.

6. The concerned Railway Authorities are hereby directed to examine and redress the grievance of the petitioner on par with Dilip Kumar Mahato for the future tenders.

7. Accordingly, C.W.J.C. No. 2171 of 2020 stands disposed of. Pending I.As, if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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