IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19313 of 2017

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1. Pradeep Kumar and Anr son of Sri Jai Kant Mishra resident of village - Shyam Bazar, P.S. - Baunsi, District - Banka.
2. Jitendra Choudhary son of Surchandra Choudhary resident of village - Shyam Bazar, P.S. - Baunsi, District - Banka.

... ... Petitioner/s

Versus

1. The Union Of India
2. The Secretary, Department of Railway, Rail Bhawan, New Delhi.
3. The General Manager, Eastern Railway, 17, Netaji Subhash Road, Have Street, Kolkata, West Bengal.
4. The Chief Administrative Officer Construction Eastern Railway, 14 Strand Road, Kolkata, West Benga
5. The Deputy General Manager, Eastern Railway, 17 Netaji Subhash Road, Have Street, Kolkata.
6. The Divisional Railway Manager, Eastern Railway, Malda, West Bengal.
7. The Deputy Chief Engineer Construction, Eastern Railway, Bhagalpur.
8. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government
9. The District Magistrate, Banka.
10. The District Land Acquisition Officer, Banka.

... ... Respondent/s

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Appearance :
For the Petitioner/s : None
For the Respondent/s : Mr. Arif Daula Siddiquie, AC to SC-25
For the UOI : Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 14-07-2025 No one appears on behalf of the petitioner though Mr. Bindhyachal Rai, learned counsel representing the Railways as also Mr. Arif Daula Siddique representing the State.

2. The present petition has been preferred for the following relief(s):

"for issuance of an appropriate

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writ/writs and order/orders in the nature of mandamus for directing and commanding the Respondents Railway authorities to provide employment/appointment/service to the petitioners who are awardees and displaced due to construction of Mandar Hill to Rampur Hat Broad Guage Railway Line as per the policy decision resolved by the Ministry of Railway and circular issued by the Ministry of Railway because the lands of the petitioners have been acquired for purpose of construction of the aforesaid Board Gauge Railway line and further for any other relief or reliefs for which the petitioners are entitled in the facts and circumstances of the instant writ application."

3. Learned counsel for the Railways has taken this Court to a Division Bench order in LPA No. 465 of 2022 arising from CWJC No. 21778 of 2019 (Union of India through Chairman Railway Board, New Delhi and Ors. vs Sumitra Devi & Ors.) to submit that such prayer for employment in the Railways has been negated by the Division Bench taking note of the fact that: *when there is no issue of deprivation of livelihood*

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or homestead, no such claim can be entertained.

4. He submits that the order fully covers the petitioners' case inasmuch as it is not their case that due to acquisition of the land, they have been deprived of the homestead/livelihood.

5. Be that as it may, since there is no appearance, dismissed for non-prosecution.

(Rajiv Roy, J)

Adnan/-

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