

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10393 of 2016

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1. Manoj Kumar son of Late Mahabir Mandal, village- Kushapur, P.O.- Shobhanathpur, P.S. Kahalgaon, District- Bhagalpur
 2. Shiv Kumar Shukla, son of Late Atma Ram Shukla, Village0 Maheshamunda, P.O.- Maheshamunda, P.S.- Kahalgaon, District- Bhagalpur
 3. Md. Wasim Khan, son of Shamim Khan, MOhalla- Bhikhanpur Tank Lane, G. No. 3, P.S.- Ishakchak, District- Bhagalpur

... .. Petitioner/s

Versus

1. The Chief Personnel Manager, National Thermal Power Corporation Ltd.
2. The State of Bihar through District Magistrate, Bhagalpur, District- Bhagalpur
3. The Special Land Acquisition Officer, Bhagalpur, District- Bhagalpur
4. The Sub Divisional Officer Sadar, Bhagalpur, District- Bhagalpur
5. The Director Rular Development Agency, Bhagalpur, District- Bhagalpur
6. The Land Reforms Deputy Collector, Bhagalpur, District- Bhagalpur
7. The Circle Officer, Kahalgaon, District- Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Gupta, Adv.
For the Respondent/s	:	Mr. Subhash Pd. Singh- GA3
		Mr. Dilip Kumar, AC to GA3
		Mr. Tuhin Shankar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 08-07-2025 Heard Learned Counsel for the petitioners and

Learned Counsel for the National Thermal Power Corporation
(NTPC).

2. Learned Counsel for the petitioners submits that the

present writ petition has been filed for directing the respondents

for issuing the appointment letter to the petitioners in pursuance

of the Advertisement dated 15.03.2015, by the said



advertisement, petitioners submitted application as per the order of this Hon'ble Court.

3. Counsel further submits that the said advertisement is annexed vide Annexure-4 of the writ petition. According to him, there were in total 17 posts, out of which 14 posts were unreserved and 3 posts were reserved. He further submits that the petitioners have participated in the said examination process according to advertisement of the said posts. They have appeared after submission of the form in the written examination, but selection letter was issued to some of the applicant, but petitioners' name were not issued. In the selection list, appointment letter was issued to some of the candidates in the post of Artisan trainee and being aggrieved by the said decision of the NTPC, the present writ petition has been filed.

4. Counsel for the petitioners further submits that the land of the petitioner No.1, 2 and 3 has been acquired for Super Thermal Power Kahalgaon. He further submits that respondent NTPC has issued a letter dated 15.02.1986 for implementation of the policy decision by which it was clearly hold that only one job should be provided to one member of family. He further submits that the petitioners are being land oustee from the NTPC, but their cases have not been considered by way of the



compassionate appointment as per the guidelines of the NTPC, Kahalgaon. He further submits that various writ petitions have been filed before the Hon'ble Single Bench of this Court which was travelled upto Hon'ble Division Bench and Hon'ble Division Bench has directed in some cases to proceed for advertisement and it is due to this reason, Advertisement dated 07.02.2015 has been made for appointment of artisan trainee in which petitioners have participated. The total vacancy was 17, but respondent authorities have called only 14 applications for medical test and issued appointment letter to only 14 persons.

5. Counsel further submits that such type of decision made by the NTPC for calling only 14 persons and petitioners have not been called for medical test, is basically discriminating and arbitrarily and it is due to this reason, the present writ petition has been filed to issue the appointment letter to the petitioners.

6. Learned Counsel for the NTPC on the other hand submits that the present writ petition is not maintainable due to the reason that there are series of litigation filed before this Hon'ble Court and in case of LPA No.125 of 2006, the Hon'ble Division Bench by virtue of order dated 02.07.2007, has disposed off those appeals to a limited extent by affirming the



findings of the learned Single Judge.

7. Counsel further relied on judgment passed by this Hon'ble Court passed in C.W.J.C. No.4777 of 2014 dated 06.02.2015 in which it has been held that the writ petition filed by the petitioner hold to be wholly ill advised and since the same issue is being repeated raised despite its being rejected by the Division Bench in at least 2 judgments well in knowledge of the petitioners.

8. In this case, counsel for the NTPC submits that the Hon'ble Court has inclined to impose heavy cost against the petitioners for filing such a frivolous writ application, but having regard to their unemployment and legitimate hope of being appointed in NTPC, it would refrain from doing so but only after issuing warning to the petitioners that if they now move again this Court for the same relief, they would be saddled with exemplary cost.

9. After hearing the parties, it transpires to this Court that by virtue of petitioners' pleading that their land have been acquired by the NTPC, no relief could be granted. But on the other hand, it transpires that the petitioners have entered in the selection process in which 14 posts were unreserved and 3 posts were in reserved category. In the writ petition, it is nowhere



mentioned that for which category, they have made prayer in the writ petition. There is not a single whisper in this matter also that 14 candidates, who have been called for medical test and appointed on the said posts, belong to which category. Therefore, this Court is of the firm view that petitioners have come before this Hon'ble Court with incomplete and a half pleading therefore, on the basis of which, this matter could not be decided. Hence, the present writ petition is dismissed.

10. It transpires to this Court that the vacancy is of the year 2015 and writ application has been filed in the year 2016 without any materials and 10 years have lapsed. Therefore, this Court is not inclined to grant any liberty to the petitioners to raise further litigation again.

11. With the aforesaid directions and observations, the present writ application stands dismissed.

(Dr. Anshuman, J.)

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