

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16789 of 2018

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1. Vikash Kumar and Ors Son of Ram Naresh Singh, Resident of Village-Thegadih, Post Office-Kartahan, District-Vaishali.
 2. Kalikant Sah, Son of Late Devendra Sah, Resident of Village and P.O. Ghataro, Police Station-Kartahan, District-Vaishali.
 3. Vikash KUMar, S/o Basant Singh, Resident of Village P.O.-Ghataro, P.S.-Kartahan, Block-Lalganj, District-Vaishali.
 4. Md. Naushad Khan, S/o Md. Mokhtar Alam Khan, Resident of Village-Salemabad, P.O.-Izara, P.S.-Hajipur Sadar, District-Vaishali.
 5. Sujit KUMar, S/o Pramod Kumar Singh, Resident of Village-Pahetiya, P.O.-Dharahara, P.S.-Hajipur Sadar, District-Vaishali.
 6. Naveen KUMar, S/o Ramesh Prasad Singh, Resident of Village P.O.-Ghataro, P.S.-Kartahan, Block-Lalganj, District-Vaishali.
 7. Vijay Kumar, S/o Dinanath Singh, Resident of Village-Sri Rampur, P.O.-Minapur Rai, P.S.-Hajipur Sadar, District-Vaishali.
 8. Sanjit KUMar, S/o Sivaram Paswan, Resident of Village-Chandralay, P.S.-Hajipur Sadar, District Vaishali.
 9. Niraj KUMar, S/o Jainath Rai, Resident of Village and P.O.-Chandralay, P.S.-Hajipur Sadar, District-Vaishali.

... .. Petitioner/s

Versus

1. The Union Of India and Ors
2. The Railway Board through the Chairman, Ministry of Railway, Govt. of India, New Delhi.
3. The Secretary Establishment Railway Board, Ministry of Railway, Govt. of India, New Delhi.
4. The Director, Establishment Railway Board, Ministry of Railway, Govt. of India, New Delhi.
5. The General Manager Personnel East Central Railway, Hajipur.
6. The Chief Personal Officer Administration, East Central Railway, Hajipur.
7. The Assistant Personnel Officer/Recruitment, East Central Railway, Hajipur.
8. The Divisional Railway Manager, E.C.R. Sonapur.
9. The State of Bihar through the District Magistrate Vaishali at Hajipur.
10. The State of Bihar through the District land Acquisition Officer, Vaishali at Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Brajesh Kumar Singh, Adv.
For the Union of India	:	Mrs. Punam Kumari Singh, Adv.
For the State	:	Mr. Dhurjati K. Prasad, G.P. 14



CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-01-2025 Heard Learned Counsel for the petitioners, Learned Counsel for the Union of India and Learned Counsel for the State.

2. The present writ petitions has been filed for the following reliefs:-

(i) The impugned order and communication as contained in Annexure-10 may be quashed.

(ii) The respondents be directed to appoint the petitioners in PB-1 pay band Rs.5200 - 20200/- with grade pay of Rs.1800/- in Indian Railway on the basis of Railway Board circular No. RBE 99/2010 dated 16.07.2010 as contained in Annexure-1 and the advertisement as contained in Annexure- 3 as the petitioners are land losers on account of Railway Line construction work between Hajipur to Sugauli as others similarly situated have been appointed in the Indian Railways.

(iii) Any other relief/reliefs

3. Learned Counsel for the petitioners submits that the Railway Board, Ministry of Railway, Government of India, New Delhi, has issued a circular *vide* Circular No. RBE 99 of 2010 dated 16.07.2010, inviting application for the job in Railway



with a clause that one member of each of the family whose land shall be acquired for the Hajipur-Sugauli Railway Line Project shall be provided job in Railway on PB-1 pay band Rs. 5200 – 20200/- with grade pay of Rs. 1800/-. Counsel further submits that there were series of persons who came within such purview, and when the Railway did not provide them jobs, they moved before this Hon'ble Court through different writ petitions. Those writ petitions were allowed in their favour. In this context, one such writ petition is the order dated 02.04.2018, passed in CWJC No. 17914 of 2016.

4. Learned Counsel for the Union of India submits that it is true that there are series of persons in whose favour the Hon'ble Single Bench passed orders to provide jobs. However, subsequently, various Letters Patent Appeals (hereinafter referred to as the L.P.As.) were filed against those orders passed in the CWJCs. These L.P.As. were decided by the Hon'ble Division Bench *vide* order dated 21.03.2024, passed in L.P.A. No. 465 of 2022 along with other analogues L.P.As.

5. Learned Counsel for the State submits that the State is a formal party, and whatever the arguments made by the Counsel for the Union of India are correct.

6. In the light of the submissions made, it is necessary



to quote the relevant part of the order dated 21.03.2024, passed in L.P.A. No. 465 of 2022 which states as follows :-

“22. None of the respondents fall under the policy of the Railways, enabling them to get an employment. Only small strips of land were acquired from each of the respondents, as is demonstrated from the writ petitions. There is no complete loss of homestead or loss of substantial livelihood for reason of the acquisition nor is it pleaded by any of the respondents. With respect to the submission regarding employment having been given in other Divisions, it is a fact that employment was given, even in the Division, which had acquired the lands of the respondents herein. Insofar as the claim raised of other persons having been given employment, not even one case has been specified wherein an employment was obtained in lieu of acquisition of a strip of land identical to that of any of the respondents. We also have to observe that illegal or irregular grants cannot result in a valid plea of violation of equality or discrimination as held in South Eastern Coalfields Limited (supra). We find absolutely no reason to sustain the judgment of the learned Single Judge.

23. We set aside the same allowing



the appeals, leaving the parties to suffer their respective costs.”

7. It is clear from the pleadings and the arguments made by the parties that the petitioners have no case, as the Hon’ble Division Bench has already allowed L.P.A. No. 465 of 2022 along with other analogues L.P.As *vide* order dated 21.03.2024, and set aside the findings passed in CWJCs. Hence, the petitioner has no case at all, and the present writ petition stands dismissed.

(Dr. Anshuman, J.)

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