

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14480 of 2017

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Deepak Kumar Son of Late Mithilesh Kumar Singh, Village-Pura, P.O. P.S.-
Wazirganj, District-Gaya.

... .. Petitioner/s

Versus

1. The Union Of India
2. the Divisional Nanager Railway East Central Railway, Danapur, District-Patna.
3. The Senior Divisional Commercial Manager, East Central Railway, Danapur, District-Patna
4. The Senior Divisional Commercial Manager, Danapur, East Central Railway, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Deepak Kumar, Adv. Mr. Sharda Nand Mishra, Adv. Mr. Dhandev Kumar, Adv. Mr. Atul Kumar, Adv. Ms. Ishal Mishra, Adv. Mr. Sumit Kumar Gupta, Adv.
For the UOI/Railway	:	Mr. Ratnesh Kumar (Sr. CGC) Mrs. Parul Prasad, CGC Mr. Aditya Anand, Adv.
For the Respondent/s	:	Mr.Anil Kumar Sinha, Adv.

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 08-07-2025

1. The Writ petition is filed for the following
reliefs:-

*That this writ application is
being filed for issuance of writ in the
nature of quashing the Advertisement
through daily news paper Danik Jagaran
dt. 22.08.2016 issued under signature of*



Divisional Commercial Manager, Danapur, for appointment halt contractor at Pura in middle of Jamunawa and Wazirganj stations (Kuel-Gaya Section) within Danapur Divisions and further issue direction to the respondent to consider the application of the petitioner on the ground petitioner filed an applications in pursuance of the notice dt. 22.08.16 for appointment as contractor of Pura Halt within the Danapur Division and respondent authority issue a letter for draw of lot for selection of Halt Contractor for Pura Halt dated 13.12.2016 by which directed to petitioner appear on 16.12.2016 at 11.00 Hours in chamber of Divisional Commercial Manager, Danapur E.C. Railway, Danapur but said very letters receipt on 17.12.2016, in the result petitioner could not appeared before and further quashing selection of appointment halt contractor at Pura in middle of Jamunawa and Wazirganj stations (Kuel-Gaya Section) within Danapur Division made inperuance to notice dt.22.08.16 and further give other legal consequential benefits to the petitioner.



2. The brief facts, as culled out from the Writ petition, are that the petitioner was appointed as a Halt Contractor at Pura Halt, between Jamunwa and Wazirganj Stations vide letter dated 07.03.2002. Subsequently, this contract was extended for another two more terms. It is contended that the respondent authorities cancelled the contract of the petitioner on 25.05.2016 and later issued an advertisement on 22.08.2016 for the appointment of Halt Contractor at Pura, for which the petitioner also submitted an application before the authorities. The contents of the Writ petition disclose that the petitioner received a letter dated 06.12.2016 by the Divisional Commercial Manager, Danapur, asking him to appear for a draw of lots on 12.12.2016 at 11:00 Hrs. However, the letter mentions that the draw of lots was scheduled for 16.12.2016 and the petitioner missed the opportunity to participate in draw of lots as he received the postal cover on 17.12.2016. Thereafter, he made a representation before the respondent authorities on 18.12.2016 to consider his



application. However, no order has been passed by the respondent authorities till date.

3. A detailed counter affidavit was filed by the the respondents-Railway Department. The contents of the counter affidavit disclose that the petitioner was initially offered with an appointment letter as Halt contractor at Pura on 07.03.2002 and was instructed to attend the office of DRM/DNR within seven days for execution of the agreement. But the petitioner did not execute any agreement with the respondent-Railway Department. However, his tenure of contract was extended for another two terms, but after receiving the complaint against the petitioner, the Railway Department cancelled the contract on 25.05.2016. The counter affidavit further disclose that the petitioner failed to discharge his duty of selling tickets, due to which the passengers boarding from Pura Halt were penalized, during ticket checking. The petitioner was also found engaged in selling of tickets of Nawada by stamping them as Chatter Halt tickets without informing the Railway Administration. In view of these irregularities, the



Department was constrained to cancel the contract. Later, the Department issued a fresh advertisement on 22.08.2016. A letter was also issued to the petitioner on 13.12.2016, directing him to appear before the Screening Committee on 16.12.2016 for the draw of lots by Scouts & Guides personal regarding the appointment of successful Halt Contractor. The application of the petitioner, Deepak Kumar, was not considered eligible in view of the complaints received against him. Thereafter, One Dinesh Kumar was appointed as a successful contractor on 19.01.2017. The period of contract initially for a period of two years and six months from 20.01.2022 to 19.07.2024, and further it was extended upto January 2027.

4. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

5. On perusal of the records, it is evident that third-party rights have been created pursuant to the advertisement dated 22.08.2016, and the current contract will expire only in the year 2027. However,



the petitioner’s representation is still pending before the respondent authorities. Therefore, the respondent authorities are directed to pass an appropriate order on the representations of the petitioner dated 18.12.2016 and 21.07.2017, on the merits in accordance with law, within a period of three months from the date of receipt of this order.

6. With the aforesaid directions, the Writ petition stands disposed of.

(G. Anupama Chakravarthy, J)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.07.2025.
Transmission Date	

