

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19506 of 2021

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1. Sidheshwar Singh @ Sidheshwar Prasad S/o Sheopujan Singh R/O Village - Mahavir Tola Chulhaichak, Dhanauth, P.O. - Sahaynagar, P.S. - Danapur, District- Patna.
 2. Vinod Kumar S/o Baijnath Prasad R/O Village - Mahavir Tola Chulhaichak, Dhanauth, P.O. - Sahaynagar, P.S. - Danapur, District- Patna.
 3. Baikunth Kumar S/o late Rajeshwar Singh R/o Ranipur Main Road, Phulwarisharif, P.O. - Ranipur, P.S. - Phulwarisharif, District- Patna.
 4. Mohan Thakur S/o late Sadhu Thakur R/O Village - Mahavir Tola Chulhaichak, Dhanauth, P.O. - Sahaynagar, P.S. - Danapur, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through Chairman, Railway Board, Rail Bhawan, New Delhi.
2. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
3. Chief Engineer (Construction), East Central Railway, Mahendru Ghat, Patna.
4. Deputy General Manager, East Central Railway, Danapur.
5. Chief Administrative officer, East Central Railway, Hajipur, Vaishali.
6. District Magistrate, Patna.
7. District Land Acquisition Officer, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vishal Saurabh, Advocate Ms. Kumari Anjali, Advocate Mr. Sikandar Kumar Yadav, Advocate
For the U.O.I.	:	Mr. Shivaditya Dhari Sinha, Advocate
For the State	:	Mr. Raj Kishore Roy (GP-18)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 31-01-2026

Heard Mr. Vishal Saurabh, learned counsel
appearing on behalf of the petitioners; Mr. Shivaditya Dhari
Sinha, learned counsel for the Union of India and Mr. Raj
Kishore Roy, learned GP-18 for the State.

2. The petitioners in paragraph no. 1 of the present



writ petition have sought, *inter alia*, following relief(s), which is reproduced hereinafter:-

"(I) For direction to the official Respondents to provide job by way of appointment as per their policy decision/Guideline taken by Respondent Authorities to provide job in Railway to one person per family whose 50% land or 0.2 Acres which ever less has been acquired or whose residential accommodation is acquired shall be treated to have been physically displaced or their livelihood materially affected shall be given employment in the Railway and as the pucca house of the petitioners have been acquired hence they are entitled to get job in Railway.

(II) For direction to the official Respondents to provide job in the Railway in light of the order dated 27.9.12 passed in CWJC No. 8283/05 (Amod Kumar & Ors. Vs. Union of India & Ors.) and in CWJC No. 15820/07 (Yadunandan Prasad & Ors. Vs. U.O.I. & Ors.) dated 10.10.12 passed by Hon'ble Mr. Justice Ajay Kumar Tripathi.

(III) For further direction to the official Respondents that they should adopt same parameters in giving employment to the petitioners as has been done in the case of Sonapur end, there shall be no discrimination in providing job to the displaced persons on the ground of territorial jurisdiction or delay occurred due to laches and negligence on the part of official Respondents.

(IV) The Respondent Authorities be further directed that they cannot improvise Article 14 of the Constitution of India according to their own convenience and they cannot adopt pick and choose method in providing job to the similarly situated persons as has been done in case of Sonapur end and other similarly situated persons of Patna end.

(V) For that Railway Authority cannot deny job on false ground that the land of the petitioners which have been acquired is less than 20 decimalas a matter of fact residential accommodation of petitioners have been acquired and as such petitioners are entitled to get job according to their own guideline of Railway.

(VI) For that the Railway Authority can not deny the appointment of petitioners and their wards only on the ground that they have less qualification, as a matter of fact, this appointment is not a general appointment rather it is a special appointment and if at all it is required then petitioners shall be given time to procure the said qualification and thereafter confirm their appointment, instead of rejecting their claim."



3. The petitioners are aggrieved in the background of the promise made on behalf of the Indian Railway, having not fulfilled being denied of job in lieu of land acquired by the Railway, over which, dwelling house of the petitioners have existing.

4. Respondents have filed their counter affidavit and supplementary counter affidavit including the Union of India that no steps have been taken after dispossession of the petitioners from their dwelling house for providing them job or providing them any alternative place to reside.

5. Heard the parties.

6. The controversy in respect of giving employment by the Indian Railway to the persons whose lands have been acquired in view of the guidelines issued under the signature of General Manager, Indian Railway on the basis of report submitted by 'Four Member Committee' headed by the Chairman of the Railway Board and other distinguished office holders, commonly known as 'Land for Job' has now finally been settled by the Apex Court vide order dated 07.11.2025 in ***Special Leave to Appeal (C) No(s). 30798 of 2025 (Sanjeev Kumar vs. the State of Haryana & Ors.)***. The Hon'ble Supreme Court has deprecated the policy decision, particularly, in respect



of giving job in lieu of the land acquired having held that the same can not prevail over the statutory provision holding the action of the authority to be illegal and in paragraph nos. 2 and 3 of the aforesaid order, the Apex Court has held as follows:

"2. The land of the family of the petitioner is said to have been acquired in the year 1998 under the provisions of Land Acquisition Act, 1894 ('the Act'). The family of the petitioner was awarded compensation and the same was also paid. The petitioner who was not even born at the time when the land was acquired, in the year 2025, applied for a job in lieu of the acquired land. The request was rejected and the petition filed by the petitioner seeking job in lieu of the land was also dismissed.

3. Under the provisions of the Act, on the land being acquired, the petitioner or his family is entitled only to the compensation which has already been paid. There is no provision for grant of job in lieu of the acquired land. The policy decision, if any, of giving job in lieu of the acquired land cannot prevail over the statutory provisions and as such, we find no error or illegality on the part of the authorities and the High Court in dismissing the claim of the petition for job, which was filed after more than 18 years of the framing of the policy."

7. The Constitution of India don't provide such action to be legal in any manner.

8. In view of the above law laid down by the Apex Court, without going into the merits of the case or directing the any of the investigating agency to take action against the General Manager of the Railway or the policy maker, based on the advise of the 'Four Member Committee' report. I find that the petitioners, who have been deprived of their dwelling house, are required to be paid due compensation in accordance with the



statutory provision on the basis of the prevailing M.V.R. prevailing in the area by calculating compensation over and above the amount of award on the basis of M.V.R. prevailing in the area at the time of acquisition. The petitioners may approach the authority concerned for recalculation on account of the compensation on the basis of the present M.V.R. in the area having been deprived of due compensation on account of void policy.

9. With aforesaid observation/direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	A.F.R.
CAV DATE	N/A
Uploading Date	10.02.2026
Transmission Date	N/A

