



**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 12th OF MARCH, 2026

MISC. PETITION No. 3917 of 2025

***RAKESH KUSHWAHA S/O SHRI PARAMLAL THROUGH L.R. HIS WIFE
SMT. BABITA KUSHAWAHA***

Versus

UNION OF INDIA AND OTHERS

Appearance:

Shri Arun Kuamr Soni - Advocate for the petitioner.

Shri Shrikrishna Sharma – Advocate for respondent No.1 and 3.

WITH

MISC. PETITION No. 3915 of 2025

RAMSAKHI AHIRWAR

Versus

UNION OF INDIA AND OTHERS

Appearance:

Shri Arun Kuamr Soni - Advocate for petitioner.

Shri Piyush Bhatnagar – Advocate for respondent.

MISC. PETITION No. 3918 of 2025

SHANKAR LAL YADAV

Versus

UNION OF INDIA AND OTHERS



Appearance:

Shri Arun Kuamr Soni - Advocate for the petitioner.

Shri Shrikrishna Sharma, learned counsel for respondent No.1 to 3.

MISC. PETITION No. 3921 of 2025

DHARMENDRA RAWAT

Versus

UNION OF INDIA AND OTHERS

Appearance:

Shri Arun Kuamr Soni - Advocate for the petitioner.

Shri Shrikrishna Sharma, learned counsel for respondent No.1 to 3.

MISC. PETITION No. 3923 of 2025

BABULAL SHRIVAS

Versus

UNION OF INDIA AND OTHERS

Appearance:

Shri Arun Kuamr Soni - Advocate for the petitioner.

Shri Shrikrishna Sharma, learned counsel for respondent No.1 to 3.

MISC. PETITION No. 3922 of 2025

KAMLESH KUSHWAHA

Versus

UNION OF INDIA AND OTHERS

Appearance:

Shri Arun Kuamr Soni - Advocate for the petitioner.

Shri Shrikrishna Sharma, learned counsel for respondent No.1 to 3.



ORDER

Per. Justice Pradeep Mittal

Since the issue involved in these Miscellaneous Petitions is common in nature, all the petitions are being decided by this common order.

2. The petitioners have filed the present Miscellaneous Petitions against the common order dated 01.05.2025 passed by the Central Administrative Tribunal, Jabalpur Bench, whereby the respective Original Applications preferred by the petitioners have been dismissed. The petitioners had approached the learned Tribunal seeking appointment in the Indian Railways in lieu of acquisition of their land for a railway project.

3. The petitioners had earlier filed separate Original Applications before the learned Tribunal challenging the impugned orders therein passed by the respondent authorities, whereby their claims for appointment were rejected. In the said Original Applications, the petitioners prayed for a direction to the respondents to consider their claims for appointment in the Indian Railways under the scheme providing employment assistance to land losers whose lands have been acquired for railway projects. It was contended that under the policy/scheme of the Railways, employment assistance is extended to persons



whose lands are acquired for railway projects, and several similarly situated persons have already been granted appointments under the said scheme.

4. The details of the petitioners and the relevant dates relating to their applications and rejection orders are as under:

S. No.	Case No.	Name of Petitioner	Date of First Application under Policy dated 14.10.2016	Date of Rejection of First Application	Submission of 10th Marksheet (after withdrawal of policy on 11.11.2019)	Date of Rejection of Second Application
1	MISC. Petition No. 3917 of 2025	Rakesh Kushwaha	Under policy dated 14.10.2016	21.10.2020	Submitted on 11.11.2019	06.10.2021
2	MISC. Petition No. 3915 of 2025	Ramsakhi Ahirwar	Under policy dated 14.10.2016	21.10.2020	Submitted on 11.11.2019	10.12.2020
3	MISC. Petition No. 3918 of 2025	Shankar Lal Yadav	Under policy dated 14.10.2016	25.02.2017	Submitted on 11.11.2019	10.10.2019
4	MISC. Petition No. 3921 of 2025	Dharmendra Rawat	Under policy dated 14.10.2016	09.10.2019	Submitted on 11.11.2019	06.10.2021
5	MISC. Petition No. 3922 of 2025	Kamlesh Kushwaha	Under policy dated 14.10.2016	03.10.2019	Submitted on 11.11.2019	10.11.2020
6	MISC. Petition No. 3923 of 2025	Babulal Shrivastava	Under policy dated 14.10.2016	09.10.2019	Submitted on 11.11.2019	06.10.2021

5. It is the case of the petitioners that the learned Tribunal has dismissed the Original Applications on an erroneous presumption by comparing the cases of the petitioners with O.A. No. 284/2025, which according to the petitioners bears no similarity to the present matters. The petitioners have contended that they are claiming appointment in the Indian Railways under the scheme providing employment assistance to land losers, and that several similarly situated persons



whose lands were acquired for railway projects have already been granted appointments under the said policy.

6. Learned counsel for the petitioners submits that the solitary ground on which the claims of the petitioners have been rejected by the respondents is that at the time of submission of their initial applications the petitioners had not passed the 10th standard examination, which was the minimum educational qualification required under the policy. However, it is submitted that the respondents have failed to take into consideration the subsequent development that the petitioners have now passed the said examination and thereafter submitted fresh applications along with their 10th mark sheets, seeking appointment in lieu of acquisition of their lands.

7. It is further submitted that the applicable policy of the Indian Railways clearly provides that in cases where the land had been acquired prior to 11.11.2019, the benefit of appointment cannot be denied merely on the ground that the application was submitted after the said date. According to the petitioners, their land had admittedly been acquired prior to the said cut-off date and therefore their cases were required to be considered under the prevailing policy.



8. Learned counsel has further placed reliance on the decision rendered by the learned Tribunal in O.A. No. 745/2021 (Charan Prakash Kushwaha vs. Union of India) decided on 09.05.2022, wherein relief has been granted in similar circumstances. It is also submitted that the Indian Railways has issued a clarification dated 05.03.2021 stating that if the land had been acquired prior to 11.11.2019, applications received even after the said date are required to be considered in accordance with the applicable rules. According to the petitioners, the said clarification has been completely ignored by the respondents as well as by the learned Tribunal.

9. It is also contended that the action of the respondents is discriminatory since in several similar cases the respondents have relaxed the educational qualification and granted appointment subject to the condition that the candidate would acquire the requisite qualification within a stipulated period. Reference has been made to the case of Sanjay Kumar, who was granted appointment subject to acquiring the requisite qualification within five years from the date of appointment, i.e., 22.02.2016.

10. It is therefore submitted that the rejection of the petitioners' claims by the respondent authorities through the impugned orders as well as the dismissal of their Original Applications by the learned Tribunal vide order dated 01.05.2025,



is arbitrary, discriminatory and violative of the guarantees enshrined under Constitution of India, particularly Articles 14, 16 and 21.

11. Accordingly, learned counsel for the petitioners prays that the impugned order dated 01.05.2025 passed by the learned Central Administrative Tribunal, Jabalpur Bench deserves to be set aside, and the respondents be directed to consider the cases of the petitioners and grant them appointment under the applicable scheme for land losers. In support of submission, learned counsel for the petitioner has placed reliance over the judgment passed in case of ***Sree Sankaracharya University of Sanskrit & Ors*** ***Manu & Ors reported in 2323 AIR (SC) 2645 and Municipal Corporation of Delhi Vs. Gurnam Kaur reported in AIR 1989 SC 38.***

12. The petitioner has relied over the judgment passed in case of Union of India & Ors. Vs. Shankar Prasad Deep ETC. ETC, in which 2153 land outsee applications for appointments have not been considered due to incomplete applications, non-availability of land acquisition certificate etc. In the above case it has been held as under:

“We are of the view that it would be extremely technical to reject the applications without a sufficient opportunity to the land oustees to comply with the terms and conditions, including the submission of proof of being land



oustees. As a matter of fact, the policy which has been formulated by the Ministry of Railways contemplates that as land acquisition is done through the civil authorities, the Village sarpanch or tehsildar should be associated with the verification of the claim of the oustees. Placing the entire burden on the land oustees would result in a deprivation of the benefit of the policy. Having laid down a salutary policy, it is necessary, in our view, that the Ministry of Railways must coordinate its activities with the local administration so as to ensure due verification of the claims made by the applicants.”

13. The petitioner has relied on another judgment, In case of Union of India Vs. Vijay Jaiswa (WPS No. 5804 of 2022) vide order dated 23/09/2022, the Division Bench of Bilaspur High Court has held that Clause 5 of the policy, however, makes it amply clear that the new policy shall be effective from the date of the issue of the letter. Therefore, there is no manner of doubt that the earlier policy which was withdrawn continued to remain in force till issuance of the notification dated 11.11.2019.

We have heard learned counsel for the parties and perused record.

14. From perusal of the record, it appears that the petitioners had initially submitted their applications under the policy pursuant to the notification dated 14.10.2016 issued by the West Central Railway for appointment on account of



acquisition of their lands. The said applications were considered by the competent authorities, however, the same came to be rejected primarily on the ground that the petitioners did not possess the minimum educational qualification prescribed under the applicable policy. Petitioners did not challenge above rejection order before the tribunal and this court in due time, hence that rejection order attained finality.

15. As per the notification dated 14.10.2016, the minimum educational qualification prescribed for appointment in Group 'D' category was 10th pass or ITI or equivalent, as also reflected in the circulars issued by the Railway Board dated 05.01.2011 and 09.12.2013. However, from the material available on record it is evident that at the time of submission of their applications the petitioners had mentioned their educational qualification as Class VIII passed, and therefore admittedly did not possess the minimum educational qualification required under the policy.

16. It further appears from the record that the petitioners subsequently acquired the qualification of 10th standard only after rejection of their initial applications and thereafter submitted second fresh applications along with their mark sheets seeking appointment under the land acquisition scheme. However, by that time the Railway Board Circular RBE No. 193/2019 dated 11.11.2019



had already been issued whereby the scheme/policy providing appointment to land losers had been withdrawn. Thus, the petitioners sought consideration of their claims at a stage when the scheme itself had ceased to exist. In such circumstances, the subsequent acquisition of the required educational qualification after withdrawal of the policy could not have been taken into consideration for the purpose of appointment under the said scheme.

17. The contention raised by learned counsel for the petitioners that they subsequently passed the 10th examination and therefore their claims ought to have been considered cannot be accepted in view of the settled legal position that the eligibility of a candidate must be determined with reference to the cut-off date specified in the recruitment notification. Since the petitioners admittedly did not possess the minimum educational qualification and in some cases were also beyond the prescribed age limit on the relevant date, the respondent authorities were justified in declining their claims.

18. The Central Administrative Tribunal, after considering the relevant circulars issued by the Railway Board and the material placed on record, has opined that the petitioners did not fulfill the essential eligibility criteria for appointments under the land acquisition scheme. This Court finds that the said



conclusion is based on proper appreciation of the record and the applicable policy.

19. So far as the reference made by the learned Tribunal to O.A. No. 284/2025 in the impugned order is concerned, it is true that the Tribunal has referred to the said case while dealing with the present matters. However, even if the said reference is assumed to be inadvertent or not strictly applicable to the facts of the present cases, the same does not affect the conclusion reached by the Tribunal, which is primarily based on the undisputed factual position regarding the petitioners' eligibility.

20. In Misc. Petition no 6992/2025 Manoj Kumar Mishra V/s Union of India, this court has already been taken the view that there is no dispute to the fact that, as of today, no policy for the grant of employment is available in the Railways. The area of the acquired land was also very less to claim that livelihood has gone due to the acquisition of the land for the railway project. Therefore, no writ can be issued to the respondents, and the petitioners are not entitled to relief.

21. It is the prerogative of the respondents to grant relaxation or not for the grant of compassionate appointment in addition to monetary compensation. Considering the first application of the petitioner, the competent authority, after considering the claim, it means the competent authority decided not to give



any relaxation to the applicant. It is not permissible repeatedly that the applicant filed application for appointment after obtaining qualification. Policy to give appointment is discretionary, not mandatory for every land loser. Once respondent denied the claim and petitioner did not challenge that order; after passing more time to get qualification the applicant became over age. In every case applicant is not entitled to get relaxation in age or qualification, that provision applies for special case. After 10 years passing it is not predictable to remand the case to competent authority.

22. Judgment passed in case of *Sree Sankaracharya University of Sanskrit & Ors Manu & Ors reported in 2323 AIR (SC) 2645 and Municipal Corporation of Delhi Vs. Gurnam Kaur reported in AIR 1989 SC 38* is not applicable in the present case as the land loser applications have been rejected on merit after giving opportunity of hearing and at that time applicant does not qualify 10th class.

23. In policy E(NG)II/2010/PC-5/1 dated 28/9/10 it is mentioned that applicant claiming appointment shall be required to submit the application with his/her signatures and photos duly certified by local MP, MLA or any Gazette Officer. Candidates shall also submit affidavits fulfilling eligibility criteria stipulated in Para 2 above, duly certified by the Competent Authority/Land



Acquisition Officer. This shall be considered by respective Divisional Railway Managers. The applicant should normally fulfill the eligibility and other conditions prescribed for the post against direct recruitment quota from open market. In special cases, General Manager of the Railway can relax these conditions, and with respect of educational qualifications, applicants with read/write only capability shall also be considered.

24. In policy E (NG)II/2010/RC-5/1 dated 11/11/19 it is mentioned that the modalities for implementation of Serial No. 4 of the Second Schedule of the RFCTLARR Act, 2013 were examined by the Ministry of Railways and it has been decided that the Ministry of Railways' earlier policy of offering appointment in Railways to affected land-losers, issued vide references above, is withdrawn and the circulars issued in this regard vide reference above stand superseded.

25. Letter No. WCR/PHQ/Rect/122/Misc. Matter/Land Acquisition dated 5/3/21 stated that land losers who did not file application for appointment till 11/11/19, if they file application and fulfilled the qualification, that application will be considered if the land was acquired before 11/11/19. The Chief Personnel Officer withdrew the above letter dated 5/3/21 by Letter No. WCR/PHQ/Rect/122/Misc. Matter/Land Acquisition dated 07.03.2023.



26. After considering the above all policy and circular, it is very clear that after withdrawal of the policy no repeated application is allowed, only those who cannot apply for appointment will submit his application. After withdrawing the policy by the letter dated 5/3/21, no new applicant files the application for appointment of job. Application for appointments has already been rejected prior to getting qualification, hence applicants are not entitled to get service in lieu of acquisition of land.

27. ***In case Sree Sankaracharya University of Sanskrit & Ors Manu & Ors reported in 2323 AIR (SC) 2645*** the Apex Court ruled out the following principles:

(i) If a statute is curative or merely clarificatory of the previous law, retrospective operation thereof may be permitted.

(ii) In order for a subsequent order/provision/amendment to be considered as clarificatory of the previous law, the pre-amended law ought to have been vague or ambiguous. It is only when it would be impossible to reasonably interpret a provision unless an amendment is read into it, that the amendment is considered to be a clarification or a declaration of the previous law and therefore applied retrospectively.

(iii) An explanation/clarification may not expand or alter the scope of the original provision.

(iv) Merely because a provision is described as a clarification/explanation, the Court is not bound by the said statement in the statute itself, but must proceed to



analyses the nature of the amendment and then conclude whether it is in reality a clarificatory or declaratory provision or whether it is a substantive amendment which is intended to change the law and which would apply prospectively.

28. In case Gurnam Kaur AIR 1989 SC 38 the Hon'ble supreme court held, a decision should be treated as given per incuriam when it is given in ignorance of the terms of a statute or of a rule having the force of a statute.

29. Petitioner submitted argument on heavily reliance on the above judgement on the grounds that the withdrawal of policy was not applicable to that person whom property was acquired before 11.11.19. Above judgement does not support the petitioner because there is not a question whether the policy would be applicable or not whom property was acquired before 11/11/19. Here is a question whether the policy applicable, once the application was decided on merit before withdrawing the policy, then whether the policy applicable to applicant who filing second application after withdrawing the policy.

30. Condition no. 5 of policy dated 11/11/19 is that this policy shall be effective from the date of issue of this letter. It means that policy is prospective operation, not retrospective. According to that, if application is filed before the date 11/11/19 then condition of policy no. 2(ii) is not applicable, but if application is filed after the date of 11/11/19 then condition no. 2(ii) will be



applicable. Hence, in our view the interpretation of that policy condition no. 5 by Bilaspur High Court in case Union of India Vs. Vijay Jaiswa is not applicable for that application were filed after 11/11/19.

31. The contention of the petitioners that their applications were rejected merely based on a report submitted by the Land Acquisition Officer/Deputy Chief Engineer (Railway), who according to them was not the competent authority, also does not merit acceptance. From the material available on record, it is evident that the applications of the petitioners were duly placed before the competent authority and were rejected after due consideration of the relevant facts and the applicable policy. It is also significant to note that when the petitioners' first applications were rejected on the grounds of lack of the prescribed educational qualification, the said orders were not challenged by them at the relevant time. Only after subsequently acquiring the qualification and facing rejection of their second applications have the petitioners sought to question the competence of the authority. Such a contention, raised at a belated stage, cannot be permitted to be agitated and therefore deserves to be rejected.

32. Learned counsel reliance on the order of learned Tribunal in O.A. No. 745/2021 (Charan Prakash Kushwaha vs. Union of India) decided on 09.05.2022, in our view, that order is not binding on this Court. Learned



Tribunal, while passing that judgment, misconceived the fact and provision of the policy, hence that judgment is not applicable to the present case. The contention of learned counsel is also not applicable to the present case that the action of the respondents is discriminatory, since in several similar cases the respondents have relaxed the educational qualification and granted appointment subject to the condition that the candidate would acquire the requisite qualification within a stipulated period. The power to give appointments is a discretionary power according to the facts of the cases, hence it cannot be said that the action of the respondents is discriminatory.

33. In exercise of powers of judicial review, this Court does not find any illegality, perversity or jurisdictional error in the impugned order dated 01.05.2025 passed by the Central Administrative Tribunal, Jabalpur Bench. The findings recorded by the Tribunal are based on the applicable rules, circulars and the undisputed factual position regarding the petitioners' educational qualification and eligibility on the relevant date.

34. In view of the aforesaid discussion, this Court is of the considered opinion that the petitioners have failed to establish any legal right to claim appointment in the Indian Railways on the basis of land acquisition, particularly when they did not satisfy the prescribed eligibility conditions at the relevant time and the



policy itself stood withdrawn subsequently. Consequently, the present Miscellaneous Petitions, being devoid of merit, deserve to be and are hereby dismissed.

(VIVEK RUSIA)
JUDGE

(PRADEEP MITTAL)
JUDGE

Praveen