

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.549 of 2015**  
**Arising out**  
**Civil Writ Jurisdiction Case No. 10973 of 2007**  
**Along with**  
**Interlocutory Application No.2415 of 2015**

=====

Amir Mahto, son of Late Ram Autar Mahto, resident of Village- Sandho Ratti,  
Police Station- Goraul, District- Vaishali.

.... .... Appellant

Versus

1. The State of Bihar.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
4. The Secretary, Welfare Department, Government of Bihar, Patna.
5. The Commissioner, Tirhut Division, Muzaffarpur.
6. The District Magistrate-cum-Collector, Vaishali, Hajipur.
7. The Sub-Divisional Officer, Mahua, District- Vaishali.
8. The Block Supply Officer, Goraul, District- Vaishali.
9. Pramod Kumar Rai, son of Late Damodar rai, resident of Village- Sandho Ratti, P.S. Goraul, District- Vaishali.

.... .... Respondents

=====

**Appearance :**

For the Appellant/s : None  
For the Respondent/s : Mr. Alok Ranjan, A.C. to G.P.-13

=====

**CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA**

**And**

**HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)**

**Date: 23-06-2016**

**Re.: Interlocutory Application No.2415 of 2015**

The application is for condonation of delay of 1 year  
348 days in filing of the present Letters Patent Appeal.

For the reasons mentioned in the application, we find  
that sufficient cause is made out for condonation of delay.  
Consequently, we condone the delay in filing of the present Letters

Patent Appeal.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.549 of 2015

The order dated 10<sup>th</sup> of September, 2012 passed by the learned Single Bench is subject matter of challenge in the present Letters Patent Appeal under Clause X of the Letters Patent.

The appellant claimed benefit of reservation for a disabled person while granting Public Distribution System Dealership in the district of Vaishali. The learned Single Bench found that Public System Dealership was granted in the year 2002 whereas the writ application was filed in the year 2007, therefore, there is no reason to interfere with such dealership after more than 10 years of its grant.

A perusal of the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to as, 'the Act') shows that Section 33 contemplates reservation of posts in every establishment and also reservation of seats for persons with disabilities in all educational institutions as per Section 39 of the Act. Section 40 of the Act contemplates vacancies to be reserved in poverty alleviation schemes. However, Section 38 of the Act contemplates that the appropriate Government and the local

authorities shall formulate scheme for ensuring employment of persons with disabilities, and such schemes may provide for the training and welfare of persons with disabilities, the relaxation of upper age limit; regulating the employment etc.

Thus, the scheme of the Act does not mandate that there has to be a reservation for the persons with disability while granting dealership of the Public Distribution System. The State Government decided to give benefit to disabled candidates in the year 2007. That fact alone will not confer any enforceable legal right to the appellant in respect of allotments made in the year 2002 when no such reservation was contemplated.

In view of the said fact, we do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal. The same is, therefore, dismissed.

**(Hemant Gupta, J.)**

**(Ahsanuddin Amanullah, J.)**

Sunil/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          |            |
| CAV DATE          | N. A.      |
| Uploading Date    | 28.06.2016 |
| Transmission Date |            |