

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4822 of 2015

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1. Smt. Maya Devi, W/o Binay Kumar Sharma, Resident of Village- Bangal Khar,
P.O.- Sasamusa, P.S.- Kuchaykot, District-Gopalganj.

2. Chandra Dev Yadav, S/o Late Dukharan Yadav, Resident of Village-Pathan
Patti, Block- Manjha, P.S.- Manjhul, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Civil Supply Department , Bihar,
Patna.

2. The District Selection Committee, Gopalganj through its Chairman cum D.M.
Gopalganj.

3. The SDO, Gopalganj.

4. The B.S.O., Kuchaykot, District- Gopalganj.

5. The Block Supply Officer, Manjha, Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the State : Mr. Kumar Pankaj, AC to SC 5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 04-09-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

In the present case, petitioner is claiming for appointment
of PDS dealer and has claimed that vacancy was advertised, they
applied in 2004, recommendation was made by the Block Supply
Officer Manjha vide letter no.122 dated 28.9.2004 to grant
licence.

In turn the Sub Divisional Officer, Gopalganj vide letter
no.501 dated 8.10.2004 gave recommendation in favour of



petitioner no.1 to the District Magistrate-cum-District Selection Committee, Gopalganj. Subsequently also the Sub Divisional Officer, Gopalganj vide letter no.512 dated 13.10.2004 has recommended the name of petitioner no.2 which was placed before the District Selection Committee headed by the Collector, Gopalganj. The District Selection Committee convened its meeting on 8.11.2004. The case of the petitioners were considered and were selected. The name of petitioner no.1 is at sl. no. 3 and name of petitioner no.2 is at sl.no.5 of the final selection list. In turn the District Magistrate referred the matter with the recommendation to Department of Food and Civil Supplies Department for grant of approval to the select list.

In the meantime, the State of Bihar issued circular vide letter no.2846 dated 31.8.2006 whereby the Sub Divisional Officer was/is made the competent authority to grant PDS licence on the recommendation of the District Selection Committee. In pursuance of that circular vide letter no. 2846 dated 31.8.2006 the Food and Civil Supplies Department vide letter no.3086 dated 21.9.2006 remitted back the mater to the District Magistrate, Gopalganj.

It appears from the counter affidavit that the case of the petitioner and others were considered in the meeting of the



District Selection Committee on 11.10.2007 and it was found that number of PDS shops are above than the required percentage and found that there was no need for fresh appointment of PDS shop.

Counter affidavit has been served upon learned counsel for the petitioners on 18.8.2015, no reply has been filed by the petitioners nor rejection of their application has ever been challenged by filing any petition, though an interlocutory application vide I.A. No.6003 of 2017 has been filed on 16.8.2017 for different purposes where prayer has been made to keep two seats vacant for PDS shop. The case of the petitioners and others have already been rejected in 2007, even after service of counter affidavit the petitioners did not take care to challenge by filing appropriate application.

Learned counsel for the petitioners has tried to impress upon this Court that vacancy was published in 2004 looking to the ratio of population vis-à-vis number of P.D.S shop and they have applied accordingly, now authority cannot claim that vacancy has been reduced after 2004 whereas learned counsel for the State has submitted that entire details have been discussed in its meeting dated 11.10.2007. The population vis-a-vis ratio of PDS shop has completely been discussed, arrived to the conclusion that there cannot be any further fresh appointment as



already PDS shops are more than the required ratio.

In such view of the matter, this Court does not find any merit in this writ petition. It is accordingly dismissed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	7.9.2017
Transmission Date	NA

