

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8988 of 2017

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Mahmood Jamali, S/o Jamaluddin, Resident of Village-Kamarra Tola,
Madhepur, P.O. Madhepur, P.S.-Balrampur, District-Katihar

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Food and Civil Supply Govt of Bihar, Patna-cum-collector.
2. The District Magistrate, Katihar
3. The District Supply Officer, Katihar
4. The Divisional Officer Sub-Division Barsoi, Katihar
5. Block Supply Officer/Supply Inspector, Balrampur, Katiahr.

.... Respondents

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Appearance :

For the Petitioner : Md. Helal Ahmad, Advocate.

For the Respondents : Mr. Nikhil Kr. Agrawal, AG to GP-9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-03-2018

Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

2. The present writ petition has been filed for quashing the order dated 05.05.2017 issued under Memo No. 255 by the respondent no. 2, District Magistrate, Katihar whereby and whereunder advertisement issued for license of Fair Price Shop for Extremely Backward Class has been reserved more than eighteen per cent (18%) in Barsoi Sub Division and hundred percent in Balrampur Block which is in violation of Bihar Targeted Public Distribution System (Control) Order, 2016.

3. Learned counsel for the petitioner invites attention to



Rule-6 of the Bihar Targeted Public Distribution System (Control) Order, 2016, which *inter alia*, requires 18% reservation in vacancies of Fair Price Shop for Extremely Backward Class (EBC). It is submitted that contrary to the said Rule, the respondents are proposing to fill up the four vacancies, namely of two Males and two Females, in Kamra Panchayat, Balram Block, Barsoi Sub-Division only with reference to the EBC Category, meaning thereby that 100% of the vacancies is being filled up by EBC Category. The overall 244 vacancies in the Sub-Division are being sought to be filled up by 51 Males and 31 Females of EBC Category which also exceeds the requisite percentage. It is therefore submitted that there being no vacancy for persons other than the EBC Category, the petitioner has been precluded from applying under the relevant advertisement.

4. Learned counsel for the respondent, on the other hand, opposes the writ petition and submits on the basis of the counter affidavit that there is no irregularity in the advertisement. As a matter of fact, the total 244 vacancies in the Sub-Division comprise of 47 carried forward vacancies of the EBC Category. Roster point nos. 397 and 400 relate to Females and roster point nos. 398 and 399 relate to Males of the EBC Category which are proposed to be filled up for the Kamra Panchayat. For the remaining 196 vacancies, the statutory percentage of 18% has been applied which works out to 35 vacancies and these are meant for being filled up by the EBC Category. It is



submitted that the respondents are duty bound to implement the reservation policy of the State Government and in accordance with the same, the vacancies are being proposed to be filled up.

5. The stand of the respondents has not been controverted and no rejoinder to the counter affidavit has been filed on behalf of the petitioner.

6. In the above view of the matter, this Court does not find merit in the writ petition. The respondents have satisfactorily explained the circumstances in which persons only from the EBC Category are proposed to be selected for the available vacancies.

7. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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