

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15517 of 2015

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Rubi Kumari W/o Sri Santosh Kumar Tiwari, resident of village- Revpura,
Rampur, Vishwanath, P.S.- Saraiya, Dist- Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar through Secretary, Department of Food and Consumer Protection Affairs, Patna, Bihar
2. The State of Bihar through Joint Secretary, Department of Food and Consumer Protection Affairs, Patna, Bihar
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur
4. The District Magistrate, Muzaffarpur
5. The Sub Divisional Officer, East, Muzaffarpur
6. The Sub Divisional Officer, West, Muzaffarpur
7. The Additional District Magistrate (Supply), Muzaffarpur
8. The District Supply Officer, Muzaffarpur
9. The Block Supply Officer, Saraiya (Muzaffarpur)

.... Respondents

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Appearance :

For the Petitioner : Mr. Neeraj Kumar Gupta, Advocate.

For the Respondents : Mr. Purnendu Singh, GP-27

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-08-2018

The present writ petition has been filed for the following reliefs –

“(I) To issue an appropriate order/s, direction/s including a writ preferably in the nature of certiorari for quashing the impugned notice as contained in Memo No. 4194 Patna dated 26.05.2015 issued from the office of respondent no. 2 whereby and whereunder, in regard to distribution of dealership of PDS shop, direction has been given to complete the backlog of the previous roaster arising out of vacancies of PDS shop on the basis of 2011 population as



such, provision of reservation has been adopted in allotment of shops in question in view of notification no. 601 dated 15.02.2007.

(II) To quash the notification dated 20.08.2015 from the office of District Supply Section Muzaffarpur by which against 247 vacancies, only 69 vacancies have been allotted for unreserved category which is less than 50% pursuant to Muzaffarpur West Sub-Division Area to fulfill the backlog of vacancies contrary to the Public Distribution System Control 3rd Amendment (Order) 2014 and hence, for Rampur Vishwanath Panchayat to which the petitioner resides and is being deprived of being an applicant of PDS Dealer under unreserved Category.

(III) Further, the respondent may be directed to allot the dealership of PDS shop to the petitioner taken into consideration that she belongs to unreserved category and in terms of Public Distribution System Control 3rd Amendment (Order) 2014, only 50% seats shall be filled up with the reserved category whereas, the other seats are for the unreserved category as per the preference laid down in PDS Control 3rd Amendment (Order), 2014.

(IV) To any other relief/s to which the petitioner is entitled in the facts and circumstances of this case.”

2. At the very outset, learned counsel for the petitioner submits that it will suffice if the petitioner's representation dated 13.08.2015 (Annexure-6) filed before the District Magistrate, Muzaffarpur (Respondent No. 4) is directed to be disposed of, in which event, the present writ petition need not be pressed on merits.



3. Learned counsel for the respondents appears and has been heard.

4. Having regard to the nature of the grievances and the stand of the petitioner, the present writ petition is disposed of with a direction to the District Magistrate, Muzaffarpur (Respondent No. 4) to consider and dispose of the petitioner's representation dated 13.08.2015 (Annexure-6), if the same is pending before him, after grant of opportunity of hearing to the petitioner in accordance with law expeditiously and preferably within a period of eight weeks from the date of receipt/production of a copy of this judgment.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	25.08.2018
Transmission Date	N.A.

