

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1287 of 2019

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Md. Shahnwaj Alam S/o Salimuddin Miyan, Resident of Vill- Adhaura, P.S.- Adhaura, District- Kaimur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food Consumer and Protection Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna
3. The District Magistrate, Kaimur at Bhabhua
4. The Sub-Divisional Officer, Sadar Bhabhua at Bhabhua
5. The District Supply Officer, District – Kaimur at Bhabhua
6. The Block Development Officer, Block- Adhaura, District- Kaimur
7. The Block Supply Officer, Block- Adhaura, District- Kaimur
8. Sri Rajgrihi Singh S/o Sri Bihari Singh, R/o Vill- Bandha, P.S.- Adhaura, District- Kaimur at present R/o Vill, P.O. and P.S.- Adhaura, District- Kaimur

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Prashant Kumar, Advocate Mr.Jubair Ansari, Advocate
For the State	:	Mr.Upendra Pratap Singh, AC to SC-4
For the Res. No. 8	:	Mr.D.N. Tewari, Advocate Mr.Vegoie Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 25-04-2019 Heard learned counsel for the parties and perused the records.

In the order dated 21.01.2019 after taking note of the submissions of learned counsel for the petitioner saying that the private respondent is not the original resident of Pachayat Sarodag, in fact he belongs to Panchayat 'Adhaura' as also one of the submission that the seat is meant for the Extremely Backward Class whereas private respondent belongs to a



Backward Class, this Court had issued notice to respondent no. 8.

Respondent no. 8 has appeared and filed a counter affidavit. In his counter affidavit he has enclosed the residential certificate issued under the signature of Circle Officer, Adhaura (Kaimur) which is Annexure 'C/2'. The certificate of residence shows that the private respondent is a resident of Village 'Bandha', Post- Adhaura, P.S.- Adhaura in Block Adhaura.

Learned counsel for the R-8 submits that Village 'Bandha' falls in Panchayat 'Sarodag'. This fact is stated in Paragraph 12 of the counter affidavit filed on behalf of respondent no. 8. Respondent no. 8 has also brought on record the relevant pages of the voter list of the concerned assembly constituency as contained in Annexure 'C/5' to the counter affidavit to show that the name of the petitioner earlier appearing in Adhaura Panchayat was deleted after the respondent no. 8 filed the prescribed application in Form '6' and his name was transferred to the another part of the voter list which relates to Village 'Bandha'.

A rejoinder to the counter affidavit has been filed on behalf of the petitioner and in reply to statement made in Paragraph 12 of the counter affidavit of respondent no. 8, the



petitioner has taken a stand that all these documents on which the respondent no. 8 relied are manufactured only in order to obtain the P.D.S. dealership by hook or by crook.

Learned counsel for the private respondent no. 8 has also submitted that in view of Rule '8' of the Bihar Targeted P.D.S. Control Order, 2016, if the private respondent is a resident of Panchayat in which license is to be granted, he will be entitled for a priority in allotment of fair price shop. It is also on this ground that respondent no. 8 has taken a plea that the argument of the petitioner that seat is meant for Extremely Backward Class whereas respondent no. 8 belongs to Backward Class is not worth consideration.

After hearing learned counsel for the parties, this Court finds that *prima facie* the private respondent no. '8' has been able to demonstrate that he has been granted license by virtue of the certificate of residence and the entries present in the voter list as contained in Annexure C/5 by showing him a residents of Village 'Bandha'. The affidavit of respondent no. 8 in Paragraph 12 saying that the Village 'Bandha' is in Panchayat 'Sarodag' has not been specifically denied by the petitioner. In that view of the matter the Court has no reason to take a view that the license granted to the private respondent no. 8 suffers



from any violation of the rules.

This Court would, thus, not interfere with the selection of respondent no. 8.

The writ application has no merit, it is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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