

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1279 of 2019

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1. Arshad Ali Ansari son of Anwar Hussain resident of Village- Barhima Mathiya, P.S. Sidhwaliya, District- Gopalganj.
 2. Sunil Kumar @ Sunil Kr. Prasad son of Krishna Prasad resident of Village- Balara, P.S. Sidhwaliya, District- Gopalganj.
 3. Ranjita Kumari wife of Bhagwan Rai Resident of Village- Sareya Pahal, P.S. Sidhwaliya, District- Gopalganj.
 4. Dhaneshwar Prasad son of Late Ramashis Prasad resident of Village- Barahima, P.S. Sidhwalia, District- Gopalganj.
 5. Rajeev Kumar son of Shiv Jee Ray Resident of Village- Sadauwa, P.S.- Sidhwaliya, District- Gopalganj.
 6. Kanti Kumari D/o Keshwar Ray Resident of Village- Sadauwa, P.S.- Sidhwaliya, District- Gopalganj.

... .. Petitioners

Versus

1. The State Of Bihar
2. The District Magistrate, Gopalganj.
3. The Sub- Divisional Officer, Gopalganj.
4. The District Supply Officer, Gopalganj.
5. The Block Supply Officer, Sidhwaliya, Gopalganj.
6. The Block Officer, Barauli, District- Gopalganj.

... .. Respondents

Appearance :

For the Petitioner/s : Ms. Aishwarya Nand Kumar, Advocate
For the Respondent/s : Mr. U. P. Singh, AC to SC 4

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 14-11-2019 Heard learned counsel for the petitioners and learned
learned counsel representing the respondents.

Ms. Aishwarya Nand Kumar, learned counsel
representing the petitioners has strongly argued before this
Court that the action of the respondents in cancelling the earlier
applications and calling upon the willing candidates to apply



afresh under advertisement issued on 06.12.2018 (Annexure '4' to the writ application) is wholly illegal, arbitrary and bad in law. She has pointed out that the earlier advertisement was issued in a newspaper and substantial number of applicants had come forward to apply for the grant of license, therefore, there was no reason for the respondents to take a view that the advertisement required a wider publication, therefore, fresh advertisement be made and applications be invited. According to her, the administrative discretion applied by the respondents has only delayed the process of selection.

On the other hand, learned counsel for the respondents submits that the petitioners have already participated in the selection process under the fresh advertisement as contained in Annexure '4' to the writ application. The advertisement itself contains the stipulation that the advertisement issued on 02.08.2017 had been cancelled and all applications submitted thereunder also stands cancelled.

Learned counsel submits that it is totally immaterial at this stage as to why the earlier advertisement has been cancelled. It has, however, been informed that the licensing authority was of the view that wider publication be given for inviting the willing candidates to participate in the selection



process and that is why the earlier advertisement has been cancelled. Learned counsel also submits that no malafide has been alleged against the respondents.

Having heard learned counsel for the petitioners and respondents, this Court is of the considered opinion that the petitioners having already participated under the fresh advertisement as contained in Annexure '4' and at this stage, there is no submission that the selection process has come to an end, the petitioners will have a cause of action only if they would be aggrieved by a decision of the District Selection Committee rejecting their claim and consideration for grant of Public Distribution Shop License. It is totally immaterial whether their applications are considered under the previous advertisement or under the fresh advertisement.

No doubt, there is some delay in between the issuance of the first advertisement and then the fresh advertisement but in absence of there being any plea of malafide against the respondents authorities and those are being the issues falling in the administrative domain, this Court is not willing to exercise its discretion under Article 226 of the Constitution of India to interfere with the fresh advertisement.

This writ application is, thus, dismissed with liberty to



the petitioners to raise their grievance against the selection process, if so advised and occasion so arises to the petitioners.

(Rajeev Ranjan Prasad, J)

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