

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3018 of 2019

1. Siyaram Singh S/o Late Ram Khelawan Singh Resident of Village-Jakarpura, P.S.-Suryagarha, District-Lakhisarai, PDS License No. 02/2010
2. Raj Kumar Verma S/o Nageshwar Prasad Verma Resident of Village-Jakarpura P.S.-Suryagarha, District-Lakhisarai, PDS License no. 14/1990
3. Nirmala Devi W/o Ramashraya Singh Resident of Village-Jakarpura, P.S.-Suryagarha, District-Lakhisarai, PDS License No. 01/1997
4. Satish Kumar Singh S/o Late Bhushan Singh Resident of Village-Jakarpura, P.S.-Suryagarha, District-Lakhisarai, Chairman of Jakarpura PACS, Jakarpura, P.S.-Suryagaha, District-Lakhisarai, PDS License no.41/2011.
5. Subhash Paswan, son of late Mahavir Paswan, resident of village-Manuchak, P.S.-Suryagarha, District-Lakhisarai, PDS License no.3/1997

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna
2. The Chairman, District Level Selection Committee, District Lakhisarai
3. The Collector-Cum-District-Magistrate, Lakhisarai
4. The District Supply Officer Lakhisarai
5. The Sub Divisional Officer Lakhisarai
6. The Block Supply Officer Suryagarha
7. Raj Kumar S/o Lutan Ram Resident of Village-Jakarpura, P.S.-Suryagarha, District-Lakhisarai

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr.Adv. Mr.Dhananjaya Nath Tiwari, Adv. Miss. Preety Kunwar, Adv.
For the Respondent/s	:	Mr. Alok Ranjan, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-06-2019 Heard learned senior counsel for the petitioners and
the State.

Petitioners, in the present case, are the PDS Dealers
who are aggrieved by the selection of respondent no.7 as PDS



Dealer at Gram Panchayat Jakarpura in the district of Lakhisarai.

It is the case of the petitioners that as per Clause 9 (i) of the Bihar Targeted PDS (Control) Order, 2016 one fair price shop on population of 1350 in urban areas and one fair price shop on the population of 1900 in rural areas on the basis of census data prevailing at the time is to be provided. It is stated that in the present case an advertisement was published by the Sub-Divisional Officer, Lakhisarai in which only five PDS shops were to be provided as per the year 2011 census out of which four shops were already working and hence there was only one vacancy.

Learned senior counsel for the petitioners submits that the petitioner nos. 2 to 5 are the existing dealers whereas licence of the petitioner no.1 was cancelled which has now been restored by the S.D.O., Lakhisarai vide his order dated 23.10.2018 on remand from the appellate authority and one Supply Appeal of one Ramashish Paswan is pending before the Collector, Lakhisarai for restoration of the licence. It is the submission of the petitioners that there are five PDS dealers in the Gram Panchayat Jakarpura, therefore the appointment of respondent no.7 as new PDS dealer is not accordance with the



Rules.

On the other hand, learned counsel representing the State submits that these petitioners have no locus standi to maintain this writ application against the appointment of respondent no.7. It is submitted that the respondent no.7 has been appointed pursuant to the advertisement and in accordance with the Rules. The advertisement was never questioned and is not under challenge in the present writ application. It is further submitted that a bare reading of Clause 9(i) of the Control Order, 2016 would show that the fair price shop is to be provided as per the population on the basis of the census data prevailing at the time of appointment. It is further submitted that if the respondent-State officials have appointed the respondent no.7 in terms of the advertisement against the vacant shop, it is in larger public interest and such appointments are only to facilitate the supply of the food-grains and other necessary items in accordance with the Rules. It is also submitted that there are contradictions in the statements made in paragraph 18 of the writ application and from what appears in Annexure-2 to the writ application.

After hearing learned senior counsel for the petitioners and learned counsel for the State, this Court is not



persuaded to interfere with the appointment of respondent no.7 as prima-facie no illegality seems to have been committed in the matter of appointment of respondent no.7. The Court is willing to decline the reliefs prayed in the writ application at this stage more on the ground that these petitioners who are themselves said to be the PDS dealers have no locus standi to move this Court complaining appointment of respondent no.7 which is pursuant to an advertisement and the advertisement is not under challenge. It is rather in larger public interest and hence to this Court it appears that the writ application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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