

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3988 of 2019**

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Nirmal Kumar S/o Kamta Choudhary, Vill.- Lakhanpura, P.S.-Kargahar,  
Distt.-Rohtas.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies department, Govt. of Bihar, Patna
2. The Collector Rohtas, Sasaram
3. S.D.O., Sasaram
4. District Supplies Officer, Sasaram.
5. Block Supply Officer Karghar, Distt.- Rohtas
6. Rinki Devi W/o Munna Kumar Pal Vill.- Lakhanpura, P.o.- Karghar, P.S.- Karghar, Distt.- Rohtas

... .. Respondents

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**Appearance :**

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| For the Petitioner/s | : | Mr.Ravi Shankar Sahay, Advocate<br>Mr.Chandra Mohan Jha, Advocate |
| For the Respondent/s | : | Mr.Md. Anisul Haque, AC to AAG-5                                  |

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

- 2      10-07-2019                      Challenge to the appointment of private respondent
- no. 6 is not fit to be accepted as the mere looking at Annexure ‘3’ to the writ application which is the merit list and based on which recommendations have been made by the licensing authority vide Annexure ‘4’ to the writ application, it appears that in the Panchayat, Semri total two vacancies were available, one was for scheduled caste women and another was for general category. The petitioner who claims himself in other backward castes had made an application for his selection as a P.D.S. Shop dealer and grant of license thereof. He is also said to be



handicapped, however, in the merit list the private respondent was placed at Serial No. 1 because she possessed higher marks in the Post-Graduation and is also having computer knowledge. The second seat has gone to the scheduled caste candidate namely Shanti Kumari.

Learned counsel for the petitioner does not dispute that the private respondent has got better marks in the Post-Graduation. He, however, submits that the petitioner being handicapped should have been given this seat meant for general category.

Learned counsel for the State submits that roster of the P.D.S. shop is being finalized by the District Magistrate in accordance with the rules provided under the Bihar Targeted P.D.S. (Control) Order, 2016. The vacancy for which the petitioner is looking for was not allotted to the reserved category/handicapped and because the private respondent is admittedly having higher marks in Post-Graduation together with the computer knowledge, if she has been recommended for selection, no fault may be found with the same.

Having heard learned counsel for the parties and on perusal of the records, this Court finds force in the submission of the learned counsel for the State. The private respondent has



been placed at Serial No. 1 for valid reasons and this Court finds no reason to take any adverse view against the merit list or the recommendations made by the Selection Committee based on the said merit list.

The writ application has, thus, no merit. It is dismissed.

**(Rajeev Ranjan Prasad, J)**

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