

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.615 of 2018

In
Civil Writ Jurisdiction Case No.8988 of 2017

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Mahmood Jamali S/o Jamaluddin, Resident of Village-Kamarra Tola,
Madhepur, P.O. Madhepur, P.S.-Balrampur, District-Katihar

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Civil Supply, Govt. of Bihar, Patna-cum-Collector
2. The District Magistrate, Katihar
3. The District Supply Officer, Katihar
4. The Divisional Officer Sub-Division Barsoi, Katihar
5. Block Supply Officer/Supply Inspector, Balrampur, Katihar.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Md. Helal Ahmad, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad- AAG- 5
		Md. Shaid Siddique, AC to AAG -5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-08-2019

Learned counsel for the petitioner prays for an adjournment.

We are not inclined to grant an adjournment keeping in view the nature of the controversy which is involved. This appeal questions the order passed on 15th March, 2018 in C.W.J.C. No.8988 of 2017 whereby the writ petition filed by the appellant has been dismissed holding that no reply has been



given to the counter affidavit filed on behalf of the State.

The issue relates to the advertisement for allotment of a fair price shop under the Extremely Backward Class (E.B.C.) category. The counter affidavit filed on behalf of the State has categorically indicated roster points as were applied relating to females as well as males in the E.B.C. category. After calculating 18% of the remaining 196 vacancies, 35 were meant to be filled up from amongst the E.B.C. category. The stand of the State could not be controverted before the learned Single Judge. The grounds which have been taken in this appeal nowhere indicate any such material on the basis whereof it can be said that the conclusion arrived at by the learned Single Judge on the basis of the counter affidavit is wrong.

Consequently, no case is made out for interference.

The appeal is rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

K.C.Jha/-

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

