

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13900 of 2019

=====

Sanjeev Kumar, son of Baidyhnath Chauhan @ Bauja Nath Chauhan, resident of Village- Baihari, P.S.- Singheshwar, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through its the Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The Collector, Madhepura.
3. The District Supply Officer, Madhepura.
4. The Sub Divisional Officer, Madhepura.
5. Kiran Kumari, wife of Shambhu Malakar, resident of Village- Dandari, P.S.- Singheshwar, District- Madhepura.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey, Advocate
For the Respondent/s : Mr. S.Raja Ahmad (AAG-5)

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-01-2020 A counter affidavit has been filed during the course of argument. Let it be taken on record.

The petitioner has approached this Court because of his not being selected for being granted license under the unreserved category for which he was entitled.

From the records, it appears that in the concerned *panchayat*, two such PDS licenses had to be granted, one of which was under unreserved category



and the other for the reserved (EBC Female) category.

The grievance of the petitioner is that one such license has already been given to a woman candidate whereas with respect to the unreserved vacancy also, instead of the petitioner, another woman of EBC category has been selected.

Learned counsel for the petitioner has submitted that the advertisement clearly indicates that the selection of the candidates would be made in accordance with the categories earmarked. In that case, the selection of private respondent No. 5 in place of the petitioner is incorrect and not justified.

As opposed to the aforesaid contention, learned counsel for the State has pointed out that the private respondent No. 5 has better qualification than the petitioner. He has also referred to the provision contained in Rule 9 (IX) of the Bihar Targeted Public Distribution System (Control) Order, 2016 which states that against the unreserved category, persons of all



classes are permitted to submit the application and the selection shall be made purely on merits and the status of that applicant shall be that of an unreserved candidate.

In the present case, admittedly the candidate who has been granted the license against an unreserved category who though was a reserved category candidate but had a better qualification than the petitioner. In that case, even the indication in the advertisement would not be relevant as any advertisement for grant of PDS license has to be confirmed to the provisions of Bihar Targeted Public Distribution System (Control) Order, 2016.

There is no merits in the petition and is therefore dismissed.

(Ashutosh Kumar, J)

Shageer/-

U			
---	--	--	--

