

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1465 of 2020

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1. Prem Kumar, Son of Surendra Paswan, resident of village- Chanhhat, P.S.- Haspura, District- Aurangabad.
 2. Arjun Kumar, Son of Rameshwar Yadav, resident of village- Dulhabigha, P.S. Goh, District- Aurangabad.
 3. Rajan Kumar, Son of Sunil Prasad, resident of village- Mahaddipur, P.S. Uphara, District- Aurangabad.
 4. Rahul Kumar, Son of Bhola Yadav, resident of village- Mirpur, P.S.- Goh, District Aurangabad.
 5. Shalini Kapoor, Wife of Arvind Kumar, resident of village- Tarar, P.S.- Daudnagar, District- Aurangabad.
 6. Ravi Ranjan Sharma, Son of Subash Sharma, resident of village- Belwan, P.S.- Daudnagar District- Aurangabad.
 7. Rubi Kumari, Wife of Ashok Kumar, resident of village Jageya P.S.- Obra, District- Aurangabad.
 8. Dharendra Kumar, Son of Triveni Kumar, resident of village Bhadua P.S.- Khundwa, District- Aurangabad.
 9. Sanju Kumari, Wife of Vikash Kuamr, resident of village- Thanapura, P.S.- Goh, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya, District- Gaya.
4. The Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
5. The District Magistrate, Aurangabad, District- Aurangabad.
6. The Officer on Special Duty, Food and Consumer Protection Department, Govt. of Bihar, Patna.
7. The District Supply Officer, Aurangabad, District Aurangabad.
8. The Sub-Divisional Officer, Daudnagar, Sub-Division Daudnagar, District-



Aurangabad.

9. The District Co-operative Officer, Aurangabad, District Aurangabad.
10. The District Welfare Officer, Aurangabad.
11. The Executive Engineer, Public Health Engineering Department, Aurangabad, District Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Md. Rashid Alam, Adv.

For the Respondent/s : Mr. Arvind Ujjwal (SC-4)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 18-02-2020

The petitioners were selected for being granted licence. However, several complaints were received before various authorities regarding the selection process not being carried out in accordance with the scheme envisaged under the Bihar Targeted Public Distribution System (Control) Order, 2016 (*in short the Order of 2016*).

2. Several writ petitions also were filed before this Court challenging the final list which was prepared for the grant of licence to the applicants. The matter was referred to the Divisional Commissioner, Magadh Range for looking into the irregularities when a Committee was



constituted and the Committee, on perusal of the entire materials on record, found that the process was not transparent and the selection process suffered from several vices of non-implementation of the policy under the Order of 2016.

3. For the aforesaid reason, by order dated 28.08.2019, the entire selection list was cancelled.

4. Learned counsel for the petitioner has submitted that with the cancellation of the merit-list/final list in which the names of the petitioners also were included, instead of preparing another merit-list, the whole process has been torpedoed and a fresh advertisement has been issued for selection of licensees under the Public Distribution System.

5. Md. Rashid Alam, learned counsel for the petitioner has submitted that the import of several orders of this Court is only to look into the irregularities, if at all it was committed in preparation of the final merit-list. There was no direction for starting the process afresh by floating advertisement and seeking applications from desirous



candidates for being granted licence.

6. This argument lacks substance in as much as the only sequel to cancellation of the merit-list is to make efforts for filling up the position which has remained vacant under the Order of 2016. The issuance of advertisement seeking application from desirous persons is only a step towards filling up the positions and granting of licence to eligible persons. The entire purpose is to make food grains and other essential items available to the targeted population.

7. No fault could be found with the initiation of the proceeding for grant of licence afresh.

8. The writ petition lacks merits and is, therefore, dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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