

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5283 of 2021

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Krishna Kumar, Son of Hari shankar Prasad resident of village and P.o.-
Jamua, P.s.- Bairania, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Food and Consumer Protection Department,
Government of Bihar, Patna
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur
4. The District Magistrate, Sitamarhi, District- Sitamarhi
5. The Sub Divisional Officer, Sitamarhi, District- Sitamarhi
6. The Block Development Officer, Bairania, District- Sitamarhi
7. The Block Supply Officer, Bairania, District- Sitamarhi
8. Neeraj Kumar, Son of Chandra Shekha Jha Resident of village and P.o.-
Jamua, P.s.- Bairania, District- Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar Manglam, Advocate

For the Respondent/s : Mr. Lalit Kishore (Ag)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-12-2021

Petitioner has prayed for the following relief(s):-

- (I) For issuance of an appropriate in the nature of **CERTIORARI** for quashing the proceedings of District Level Selection Committee dated 07.09.2018 convened under the chairmanship of District Magistrate , Sitamarhi for selection of dealers of Public Distribution System (hereinafter referred to as PDS) and contained in memo



- no.11 dated 07.09.2018 for for it concerns the selection of dealer for Roster serial no.13 of Chinn Panchayat (Raj), Jamma under Balrangania Block of Sitamarhi District on the ground that the Respondent no.8 was selected for such appointment by the Selection Committee had not even submitted his application for such selection but he was selected by the Selection Committee on a proxy application submitted under the signature of someone else since at the relevant time, the Respondent no.8 was not even present in the country and he was some where abroad.
- (II) For a declaration that if an applicant for his selection as a PDS dealer was required to submit his application under his own signature with self attested copy of the relevant documents/certificates, the selection of Respondent no.8 cannot be sustained in the eye of law if he had neither signed the application nor he had enclosed self attested documents along with his application and therefore, his application was fit to be rejected outrightly by the Selection Committee and even if he was selected under the misleading circumstances, his selection should have been set right cancelled by the Respondents nor sooner they were informed about the fraud committed by the Respondent no.8.
- (III) For issuance of an appropriate writ in the nature of **MANDAMUS** commanding and directing the Respondent Authorities for selection of the writ petitioner as the dealer of the said P.D.S. shop for which the Respondents had selected the Respondent no.8 on 07.09.2018 on the ground that if the petitioner was next in merit to the Respondent no.8, he deserves to be appointed as a dealer of the said shop, no sooner, the application of Respondent no.8 is rejected for the fraud committed by him.
- (IV) For issuance any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned i.e. Resplendent No. 4 namely the District Magistrate, Sitamarhi, to consider and decide the application which the petitioner shall be filing for redressal of the grievance(s).

Learned counsel for the respondents states that if such an application is filed by the petitioner, the authority concerned



shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned i.e. Respondent No. 4, namely, the District Magistrate, Sitamarhi, by filing an application for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such application, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes



recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits of the matter. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	22.12.2021
Transmission Date	

