

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6651 of 2020

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Md. Mustafa Alam @ Md. Mustaq Alam S/o Md. Maizum Hassan of Village-
Palrahi, P.O.- Pahariya, P.S.- Sonebarsa, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Saharsa.
3. The Supply Officer, Saharsa.
4. The S.D.O. Sadar, Saharsa.
5. Deepak Kumar Son of Nirmal Yadav Resident of Village- Bhasti, P.O. Parariya, P.S. Sonebarsa, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the Respondent/s : Mr. Arvid Ujjawal, SC-4

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

Date : 23-11-2021

Heard learned counsel for the parties.

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

- (i) For issuance of an appropriate writ/order/direction in the nature of certiorari for quashing the proceedings and decision dated 13.01.2020 made



by the District selection Committee (Saharsa regarding the Kopa Panchayat under the Sonebarsa Block of Saharsa District, whereby and where under the respondent no.5 was selected for the Licence of P.D.S. shop in place of the petitioner, who stands 1st in the merit list (Annexure-7).

(ii) For issuance of an appropriate writ/ order/direction in the nature of mandamus for commanding upon the respondents and directing them to reinstate the selection of the ^{petitioner} ~~petitioner~~ for licence of P.D.S. shop under the said Kopa Panchayat.

(iii) For any other incidental and consequential relief/s for which the petitioner is deemed fit under the facts and circumstances of this case.

After the matter was heard for some time, learned counsel appearing on behalf of the petitioner, under instructions, states that petitioner may be permitted to prefer



a revision against the impugned order before the Revisional Authority.

Permission granted.

Learned counsel for the respondents states that if such a revision is preferred within a period of four weeks from today, the issue of limitation, if any, shall neither be raised nor allowed to come in the way of adjudication of the revision on merits.

Statement accepted and taken on record.

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

(a) Petitioner is permitted to prefer a revision within a period of four weeks from today;

(b) In the event of revision being preferred within a period of four weeks from today, the issue of limitation shall not come in the way of adjudication of the revision on merits;

(c) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required and desired;

(d) Petitioner through learned counsel undertakes



to fully cooperate and not take unnecessary adjournment;

(e) The Revisional Authority shall decide the revision on merits, in compliance of the principles of natural justice;

(f) The Revisional Authority shall pass a reasoned and speaking order, within a period of eight weeks from the date of filing of the revision, copy whereof be supplied to the parties;

(g) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;

(h) 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;

(i) We have not expressed any opinion on merits and all issues are left open;

(j) Liberty reserved to the petitioner to challenge the order, if required and desired.

The instant petition stands disposed of in the aforesaid terms.



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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	26.11.2021
Transmission Date	

