

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6336 of 2020

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Rinkee Kumari Wife of Ranjeet Yadav, Resident of Village-Shekha Tola,
Ekamba, Ward No.-4, P.S.-Chhaurahi, Distict-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Food and Consumer Protection, Patna, Bihar.
2. The Secretary, Department of Food and Consumer Protection, Patna, Bihar.
3. Sub-Divisional Officer, Manjhaul, Begusarai, Bihar.
4. Bihar Public Grievance Redressal Officer, Begusarai, Bihar.
5. Aarti Kumari Wife of Ramprakash Sahni, Village-Shekha Tola, Ekamba, P.S.-Chhaurahi, District-Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Soni Shrivastava,
Mr. Ravi Bhardwaj,
Mr. Nilesh Sinha, Advocates

For the Respondent/s : Mr. Arvind Ujjwal, Sc 4
Mr. U. P. Singh, AC to 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 : 22-11-2021

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

(I) To direct the respondent authorities to produce the selection list published by the Sub-Divisional Officer, Manjhaul vide Memo No.1259 dated 20.09.2019 and after producing the same be pleased to quash the said memo.

(ii) To adjudge, hold and declare that the selection list published by the Sub-Divisional Officer, Manjhaul vide Memo No.1259 dated 20.09.2019 is erroneous in nature to the extent that the license for the Fair Price Shop allotted for Ekamba Panchayat in Chhaurahi Block has not been awarded in accordance with the notification published by the Department of Food and Consumer Protection, Government of Bihar vide memo no.1750 dated

10.03.2016 and therefore the same may be quashed.

(iii) Be further pleased to amend the selection list dated 20.09.2019 to the effect that the name of the petitioner be placed in the final merit list as the writ petitioner fulfills all the criteria for the grant the Fair Price Shop license and is more qualified and eligible than the originally selected candidate i.e., the private respondent under the general category.

(iv) Be further pleased to put a stay on action, if any, in furtherance of the final selection list published on 20.09.2019, so far as the selection of the private respondent under the general category is concerned in alternate of which one seat may be left vacant till the disposal of the writ petition.

(v) Be further pleased to grant any other relief to the petitioner which he is entitled to in the facts and circumstances of this case.”

Learned counsel for the petitioner seeks permission to withdrawn this application reserving liberty to take recourse to alternative remedy which are equally efficacious, as stipulated under the provisions of Section 32(vi) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

Prayer allowed. Liberty, as prayed for, is granted.

Without expressing any opinion on merits, leaving all questions of fact and law open, the present application is disposed of as withdrawn with the liberty aforesaid.

We expect that the appropriate authority shall consider and decide the petitioner's application/request expeditiously and preferably within a period of six months from the date of its presentation.

While considering such representation, the period for which the petitioner has been pursuing the present petition shall not be counted for the purposes of limitation.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing be afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/- Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.11.2021
Transmission Date	NA