

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6550 of 2020

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Archana Kumari, W/o Mukesh Yadav, Resident of Village- Khabhra, P.S. Tankuppa, O.P, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Level Selection Committee, Gaya through its Chairman.
3. The District Magistrate, Gaya.
4. The Sub- Divisional Officer, Sadar Gaya.
5. The Block Supply Officer, Tankuppa, Gaya.
6. Lalita Devi, Wife of Jitendra Kumar, Resident of Village-Bahera, Post-Baraila, Panchayat- Gajadharpur, P.S. Tankuppa, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate
For the Respondent/s : Mr. S. Raza Ahmad (A.A.G. 5)

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

Date : 23-11-2021

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

(i) Quashing the final selection of Respondent nos. 6 whose name was selected and recommended for grant of PDS License in Gajadharpur Panchayat against unreserved female category.

(ii) Further the respondent be directed specially Respondent no. 2 to hold fresh meeting and selected the petitioner for grant of PDS License as she was most illegible candidates in Gajadharpur Panchayat for grant of License.”

Petitioner has filed this writ petition for setting aside the decision of District Level Selection Committee by which the

committee has selected respondent no. 6 as a dealer of PDS shop in Gajadharpur Panchayat against unreserved female category.

An advertisement was issued under the signature of District Magistrate, Gaya inviting application for appointment of PDS dealer in Gaya Sub-Division, against which six persons applied in Panchayat Gajadharpur and thereafter a merit list was prepared in which petitioner figured at serial no. 3 and respondent no. 6 at serial no. 5.

Petitioner secured 62.20% in matriculation examination whereas respondent no. 6 secured 53% of marks but in the intermediate examination, petitioner secured 60% whereas respondent no. 6 secured 95.50% and as such respondent no. 6 was selected as a PDS dealer.

It is submitted that the certificate submitted by respondent no. 6 of All India Council for Open Education as equivalent to intermediate is incorrect and false.

Petitioner verified from different sources about the validity and authenticity about said certificate submitted by respondent no. 6 and she was informed that no such institution exists and the certificates are forged and fabricated.

It is further submitted that petitioner has filed

objection before the SDO (Licensing Authority, Gaya) against the selection of respondent no. 6 but authorities are not deciding the objection filed by petitioner against the appointment/selection of respondent no. 6 as a PDS dealer.

Although a counter affidavit has been filed on behalf of respondents but nothing has been stated as far as allegation of petitioner against the certificate submitted by respondent no. 6 is concerned.

Supplementary affidavit has been filed by the petitioner in which it has been stated that on her complaint made before the Public Grievance Redressal Forum, Gaya, inquiry was conducted in which it was found that institution is non-existent and not recognized and thereafter she filed a case before the District Magistrate, Gaya and who directed the S.D.O., Gaya to re-consider the matter and send compliance report to the District Magistrate.

The writ petition is disposed of with a direction to S.D.O., Gaya to take appropriate action with respect to claim of petitioner for her appointment as PDS dealer as the certificate submitted by respondent no. 6 was found to be forged and not valid within 30 days from the date of production/receipt of the copy of this order.

With aforesaid observations and directions, the writ
petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	