

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9140 of 2020

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Mukesh Kumar, Son of Sri Rameshwar Singh, resident of Village-
Marwapaker, Post Office- Chaubey Ambara near Middle School, Police
Station- Sariya, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The Divisional Commissioner, Muzaffarpur.
4. The District Magistrate, Muzaffarpur.
5. The Sub Divisional Officer, West, Muzaffarpur.
6. Sri Bimal Kishore, son of Late Braj Mohan Singh, resident of Village- Bishunpur Anant, Police Station- Saraiya, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Karna, Advocate
For the Respondent/s : Mr.Lalit Kishore (A.G.)

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

Date : 29-11-2021

Heard learned counsel for the parties.

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

“That the petitioners in the instant writ application pray for quashing order contained in Memo No. 327 dated 15.02.2020 issued by the District Selection Committee chaired by the District Magistrate, Muzaffarpur to the extent the Private Respondent No. 6 had been illegally



selected as Public Distribution System Licensee for the Marwapakar Panchayat without considering that Block Supply Officer, Muraul as well as the Sub-Divisional Officer, West, Muzaffarpur has recommended the name of the petitioner for selection of Public Distribution System Licensee after verification of all the records vide Letter No. 1117 dated 01.08.2018 and Letter No. 37 dated 12.01.2019 respectively and rejected the name of the Private Respondent No. 6 for the Public Distribution System Licensee as he was not eligible for Public Distribution System licensee and the petitioner further prays for quashing the Letter No. 51 dated 15.01.2020 by which the Sub Divisional Officer, West, Muzaffarpur had recommended the name of the private Respondent without even considering that earlier the Sub Divisional Officer, West Muzaffarpur had recommended the name of the petitioner on the basis of report of the Block Supply Officer and rejected the name of the private Respondent as the Private Respondent has not the qualification of computer and he had not enclosed any documents related to the business place as well as the qualification of computer and the petitioner further prays for a direction to the Respondent authority to recommend and select the name of the petitioner for the Public Distribution System



licensee as he has been earlier recommended for the Public Distribution System licensee and his position was first in the merit list.”

Learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to prefer statutory appeal before the appropriate authority within a period of four weeks.

Learned counsel for the State states that if any such appeal is preferred by the petitioner within the aforesaid period, limitation shall not come in the way and the appeal shall be heard on merits, to be decided within a period of three months from the date of its filing.

Statement accepted and taken on record.

We only hope and expect the appropriate authority to consider and decide the appeal on its own merit and with reasonable dispatch.

We clarify that we have not expressed any opinion on facts and law. All issues are left open.

Learned counsel for the parties undertake not to take any unnecessary adjournment in such proceedings.

The present petition stands disposed of with the liberty aforesaid.



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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-Veena

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

