

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.888 of 2021

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Anil Kumar, Son of Nageshwar Sah, Resident of Village Ram Nagar Mahesh,
P.S.-Srinagar, District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The District Magistrate, Madhepura.
4. The Sub-Divisional Officer, Madhepura.
5. The Block Supply Officer, Madhepura.
6. Khusboo Kumar, D/o Umesh Yadav, Resident of not known to the petitioner,
P.S.-P.O.-District-

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms.Ritika Rani, Advocate
For the Respondent/s : Mr.Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-10-2021 Heard the learned counsel for the petitioner and

Sri Alok Ranjan, learned AC to AAG 5 appearing for the State.

The present petition has been filed seeking the
following reliefs :-

*“(A) For quashing the selection of
respondent no. 6 Khusboo Kumari who
has been selected against the category
of Extremely Backward Class as
contained in Annexure-5 mainly on the
reason respondent no. 6 belongs to
other Backward Class and she has been
wrongly appointed in place of the*



petitioner who belongs to Extremely Backward Class considering selection of the private respondent is illegal, void-ab-initio, violation of Article 14 and 16 of the Constitution of India.

(B) For directing the District Magistrate, Madhepura to produce the record containing selection of fair price shop, Public Distribution System, Dealer of Gram Panchayat Ram Nagar, Mahesh Block-Kumarkhand, Sub-Division, Madhepura including appointment of respondent no. 6 as dealer of public distribution system, Ram Nagar Mahesh, Nagar Panchayaat and quash the same.

(C) For writ of mandamus commanding the District Magistrate, Madhepura to dispose off the appeal as contained in Annexure 7 filed by the petitioner against the selection and appointment of Public Distribution Dealer, Panchayat, Ram Nagar Mahesh Panchayat under Kumarkhand, Block-Sub Division, Madhepura.

(D) Also commanding the respondent to restrain respondent no. 6 Khusboo Kumari to distribute from Public Distribution System, Dealer of Ram Nagar Mahesh Panchayat, Block- Sub



Division and District- Madhepura.

At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file representation/ appeal against the decision of the District Level Selection Committee, Madhepura headed by the learned District Magistrate, Madhepura, before the learned Divisional Commissioner, Koshi under ***Rule 32 (vi) of the Bihar Targeted Public Distribution System (Control) Order, 2016.***

The learned counsel for the respondent State has got no objection.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed off as not pressed, however with liberty to the petitioner to file appropriate representation/ appeal under ***Rule 32 (vi) of the Order, 2016*** and in case, such a representation/ appeal is filed within a period of four weeks from today, the same shall be disposed off by the learned Divisional Commissioner, Koshi by a reasoned and a speaking order, in accordance with law, considering the merits of the case, within a period of eight weeks, thereafter.

(Mohit Kumar Shah, J)

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