

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1423 of 2021

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Shashikant Kumar Singh, S/o Sri Birendra Kumar Singh, Resident of Village
- Khaira Ajam, P.O. - Reotith, P.S. - Baikunthpur, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Additional Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Saran Division, Chapra.
4. The Collector cum Chairman District Level Selection Committee (Supply), Gopalganj, District - Gopalganj.
5. The Collector cum District Magistrate, Gopalganj.
6. The District Transport Officer, Gopalganj Cum Member of the Selection Committee of District Level (Supply), District - Gopalganj.
7. The District Co-Operative Officer, Gopalganj, Cum Member of the Selection Committee of District Level (Supply), District - Gopalganj.
8. The District Supply Officer, Gopalganj Cum Member of the Selection Committee of District Level (Supply), District - Gopalganj.
9. The Sub Divisional Officer, Hathua, Gopalganj Cum Member of the Selection Committee of District Level (Supply), District - Gopalganj.
10. The Sub Divisional Officer Cum Licensing Authority, Sadar Sub Division, Gopalganj.
11. The Block Supply Officer, Baikunthpur, District - Gopalganj.
12. Mr. Raj Balam Ram, S/ Ramjit Ram, Resident of Village - Bankati, P.O. - Mahua, P.S. Baikunthpur, District - Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, 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 : 07-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“A. A writ in the nature of certiorari or any other appropriate writ for quashing the recommendation iii the District Level Selection Committee (supply), Gopalganj dated 31.08.2020 contained in memo no. 677 to the extent the same relates to recommendation of private respondent for license of PDS dealership for supply of Essential goods for the beneficiaries/ consumers of Khaira Ajam, Gram Panchayat of Baikunthpur Block of the Gopalganj District, figures at SI. No. 81 in the recommendation list under unreserved category.

B. A writ in the nature of mandamus or any other appropriate writ, order/s, direction/s commanding the respondents for the followings:

i. To direct the respondent authorities to review the recommendation with respect to private respondent and declare the petitioner to be most eligible in comparison of the private respondent.

ii. To hold that the recommendation of the private respondent who is at 5th position in the seniority list of approved applicants and non-recommendation of the petitioner, who is having 1st position in the said seniority list is erroneous and gross case of colorable exercise of power.

iii. To hold that the private respondent is not eligible for the PDS Dealership of Gram Panchayat Raj, Khaira Ajam as he does not hold the essential/required eligibility for the same.

C. For any other relief/s to which the petitioner is found entitled to.”

After the matter was heard for some time, learned counsel for the petitioner states that petitioner shall be content if

a direction is issued to the appellate authority, which the petitioner would be filing within next four weeks.

Learned counsel for the State states that if the petitioner were to file the appeal in terms of the averments made in para- 29 of the affidavit, within four weeks, the appellate authority shall decide the same on merits within a period of two months thereafter in accordance with law.

Statement accepted and taken on record.

Petition is disposed of with a direction to the authority concerned to consider and decide the petitioner's appeal expeditiously, preferably within a period of two months from the date of presentation of appeal.

The writ petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

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

