

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1397 of 2021

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Md. Meraj, S/o Razzak Ansari, Resident of Village- Ward No. 06, Narainapur,
P.S.- Ramnagar, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection Deptt., Govt. of Bihar, Patna.
2. The District Magistrate, District West Champaran at Bettiah.
3. The District Supply Officer, District- West Champaran.
4. Additional District Supply Officer, West Champaran.
5. The Sub-Divisional Officer, Bagaha, District West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, 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 MR. JUSTICE S. KUMAR)

Date : 06-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“i. For issuance of a writ in the nature of Mandamus, or any other appropriate writ, order or direction to the respondent authorities who rejected the application of the petitioner for P.D.S. (Public Distribution System) shop license on the ground that he does not belong to ward no. 13 Grampanchayat-Ramnagar and also does not fulfill the criteria as provided under

Public Distribution System (Control) Order, 2016, in spite of recommendation made by the S.D.M. Bagaha.

ii. For issuance of a writ in the nature of Mandamus or any other appropriate writ, order, direction to the respondent authorities to re-consider the application of the petitioner for PDS shop license as per Rule 9 (xi), for which the District Magistrate may grant permission to open the shop out of nutritious area within the same Grampanchayat.

iii. For issuance of any other appropriate writ, order/order, direction/direction for which the petitioner shall be found entitled under the facts and circumstances of the case.”

It is submitted on behalf of counsel for the petitioner that he has been wrongly denied the PDS licence for the specific area on the ground that he is not the resident of that locality. However, no such condition exists in Section 9 (XI) of the Selection Committee Rules.

Learned counsel for the petitioner is at liberty to approach the District Magistrate, West Champaran, Bettiah raising his grievances of non-selection on the erroneous ground i.e. not being the resident of that area. If any such

application/appeal is filed within four weeks, the District Magistrate, West Champaran, Bettiah shall decide such application / appeal within eight weeks thereafter.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

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