

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3963 of 2021

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SUDHIR KUMAR S/o Ramautar Yadav, Resident of village- Baluaha, ward no. 8, Panchayat- Mohanpur, P.S.- Sonbarsa, Kachhari, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector-cum-Chairman, District Level Selection Committee, Saharsa
3. The Collector-cum-District Magistrate, Saharsa.
4. The Sub Divisional Officer, Sadar Saharsa.
5. Natheshwar Yadav Nirala S/o Late Narnath, Yadav Resident of village- Dudhaila, Ward no. 4, Panchayat- Mohanpur, P.S.- Sonbarsa Kachhari, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal, S.C. 4
		Mr. U.P. Singh, AC to SC 4

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

Date : 14-12-2021

Heard learned counsel for the parties.

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

“(i) For issuance of a writ in the nature a writ of certiorari for quashing the order dated 27.02.2019 so far the respondent no. 5 is concerned at sl. No. 7 passed by the District Level Selection Committee headed by the learned Magistrate, Saharsa by which the respondent no. 5 has been selected as PDS dealer in Mohanpur Panchayat illegally.

(ii) For quashing the PDS licence no. 710/2020 issued to the respondent no. 5 in terms of order of the Selection Committee dated 27.02.2019 issued by the learned Sub Divisional Officer, Sadar, Saharsa.

(iii) For issuance of a writ/direction/order/orders in the

nature of writ of mandamus commanding the respondents to appoint the petitioner as PDS licensee for Mohanpur Panchayat, Ward No. 8 in terms of advertisement dated 02.01.2018 passed by the learned District Magistrate, Saharsa.

(iv) For any other relief/s applicable in the eye of law for which the petitioner is entitled.”

It is the petitioner’s contention that even though he was eligible for being considered for allotment, being resident of Ward No. 8, but nonetheless, ignoring his claim, private respondent, who is the resident of Ward No. 4, and does not fulfill the eligibility criteria stipulated in Note nos. 3 and 6 (Page-13), case of private respondent has been considered.

We notice that petitioner has already vented out his grievance vide communication dated 25th of February, 2020 and 5th of December, 2020, which is yet pending.

Learned counsel for the respondents states that within next four weeks, the same shall be considered and decided, in accordance with law.

Statement taken on record.

We disposed of the present petition in the following terms:-

(a) Petitioner’s request, pending consideration with the authority, (Page No. 25 (Annexure 7) and Page No. 27 (Annexure-7/1) shall be considered and decided positively within a period of four weeks

from today.

(b) Learned counsel for the respondents states that if petitioner/respondent were to appear before the authority concerned, the same shall be considered and decided within four weeks.

(c) The authority concerned shall pass a reasoned and speaking order, copy whereof shall be supplied to the petitioner.

(d) Liberty reserved to the petitioner to assail the same, should the need so arise.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	