

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6913 of 2021

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Sunil Kumar Yadav son of Indradeo Yadav Resident of Village - Revatola,
P.S. - Belhar, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Food and Civil Supply Government of Bihar, Patna.
2. The District Magistrate, Banka.
3. The District Level Selection Committee, Banka, through its Chairman the District Magistrate, Banka.
4. The Sub-Divisional Officer, Banka, District- Banka.
5. The District Supply Officer, Banka.
6. The Block Supply Officer, Belhar Block, District- Banka.
7. Kiran Devi Daughter of Ajay Yadav Resident of Village - Dhorpada, P.S. Behar, District- Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate
For the Respondent/s : Mr. S.Raza Ahmad, AAG-5

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

Date : 04-01-2022

Heard learned counsel for the parties.

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

- (i) To brought the order of selection of Kiran Devi respondent No. 7 to grant license of PDS shop.
 - (ii) To brought the license of PDS shop granted to Kiran Devi by the respondents on the record of the present case consideration of the Hon'ble High Court.



- (iii) To hold the order of granting license of PDS shop to Kiran Devi is illegal and without Jurisdiction.
- (iv) To hold that license granted to Kiran Devi to run PDS shop is not sustainable as a nonest in the eye of law.
- (v) To direct the respondents to grant license of PDS shop to the petitioner.

Shri Y.C. Verma, learned Senior Counsel for the petitioner, under instruction, states that the petitioner shall be content if a direction be issued to the respondent state to supply the order of allotment issued in favour of private respondent no. 7, namely Kiran Devi, Daughter of Ajay Yadav, with further liberty to the petitioner to prefer an appeal before the appropriate forum under the provisions of Bihar Public Distribution System (Control) Order 2016.

Shri S. Raza Ahmad, learned AAG-5 states that the copy of the order of allotment issued in favour of private respondent no.7, if any, shall be supplied to the petitioner upon presentation of the copy of this order within a period of two weeks. He further states that if the petitioner prefers an appeal within a period of four weeks from the date of supply of the copy of the allotment order issued in



favour of private respondent no.7, the issue of limitation, if any, shall neither be raised nor allowed to come in the way of adjudication of the appeal on merits.

Statement accepted and taken on record.

As such, petition stands disposed of in the aforesaid terms.

(a) Upon presentation of copy of the present order, the copy of the order of the allotment issued in favour of private respondent no.7 shall be supplied to the petitioner within a period of two weeks.

(b) Petitioner is permitted to prefer an appeal within a period of four weeks thereafter;

(c) In the event of appeal being preferred within a period of four weeks, the issue of limitation shall not come in the way of adjudication of the appeal on merits;

(d) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required and desired;

(e) Petitioner through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;

(f) The Appellate Authority shall decide the



appeal on merits, in compliance of the principles of natural justice;

(g) The Appellate Authority shall pass a reasoned and speaking order, within a period of six months from the date of filing of the appeal;

(h) Copy of the reasoned and speaking order passed by the Appellate Authority shall be supplied to the parties;

(i) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;

(j) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(k) We have not expressed any opinion on merits and all issues are left open;

(l) Liberty reserved to the petitioner to challenge the order, before the appropriate forum, if required and desired.

The instant petition sands disposed of in the



aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/KC Jha

AFR/NAFR	
CAV DATE	
Uploading Date	08.01.2022
Transmission Date	

