

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8700 of 2021

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Kaushal Paswan son of Shri Rajendra Paswan resident of Village - Manpur,
P.S. - Manpur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Department of Food and Consumer Protection,
Govt. of Bihar, Patna.
3. The District Magistrate, Nalanda.
4. The Marketing Officer/ District Supply Officer, Nalanda.
5. The Sub Divisional Officer, Biharsharif, Nalanda.
6. The Block Supply Officer, Block - Biharsharif, Nalanda.
7. Smt. Anju Devi wife of Shambhu Paswan resident of Village - Manpur, P.S.
- Manpur, P.O. - Paroha, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Nagendra Kumar Singh
For the Respondent/s	:	Mr.S. Raza Ahmad (Aag5)
For the State	:	Mr. S. Raza Ahmad, AAG-5
		Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-01-2022 Petitioner has prayed for the following reliefs:-

“(i) For the issuance of an appropriate writ, order or direction to the respondents to quash the merit list published on 21.08.2020 in respect of village- Tola Manpur Gram Panchayat Tetrama Biharsharif only and order for granting licence under Control Order 2016 to the respondent no.7 (Private respondent) for running the Public Distribution System Shop under category S.C./S.T. in the village Manpur Gram Panchayat

Tetrama, Sub Division- Biharsharif, Nalanda as the respondent no.7 has less marks on the basis of educational qualification than the petitioner and the licence of P.D.S. Dealer is going to be issued on the sweet bill of the respondents.

(ii) For further direction to the respondents to revise and publish the merit list and to appoint the petitioner as Public Distribution System Shop Dealer under Control Order 2016 in S.C./S.T. quota in the village-Manpur Gram Panchayat Tetrama, Prakhanda- Biharsharif, Nalanda on the ground that the petitioner was/is the best suited applicant for being appointed as P.D.S. Dealer as the petitioner was/is possessing 63% highest mark/point on the basis of educational qualification.

(iii) For any other relief or reliefs for which the petitioner is found entitled to in the facts and circumstances of the case.”

Learned counsel for the petitioner seeks permission to withdraw the petition, reserving liberty to take recourse to the remedies as provided under the P.D.S. Control Order, 2016.

Prayer allowed.

Without expressing any opinion on merits of the claim, petition is disposed of as withdrawn with the liberty aforesaid. All issues on facts and law are left open.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

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, within a period of six months from the date of its initiation.

Needless to add, the order assigning reasons shall be supplied to the petitioner.

The petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Sanjeev Prakash Sharma, J)

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