

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6959 of 2021

=====

Ragni Kumari, W/o Ranijeet Yadav, R/o Village-Ward no. 1, Barhi, P.S.-
Jaynagar, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Madhubani.
3. The Sub-Divisional Officer, (Supply), Jaynagar, Madhubani.
4. Assistant District Supply Officer, Jaynagar, Madhubani.
5. Block Development Officer, Rajnagar, Madhubani.
6. Mamta Devi, W/o Ram Pukar Yadav, R/o Village-Barhi, P.S.-Jaynagar, District-Madhubani.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Respondent/s : Mr. Alok Kumar, AC to AAG 05

=====

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):-



“1(I) For issuance of writ of mandamus and any other appropriate writ/writs, order/orders, directions to make an enquiry of entire selection process of PDS dealer of selected in Barhi Panchayat, Ward no.-6, Prakhanda-Jaynagar, District-Madhubani and then pass an appropriate order with respect to illegal selection of Respondent no.-6 and select the petitioner as a bonafide candidate.

(II) For setting aside the selection of PDS dealer of Private Respondent no.-6 who is selected vide order dated 5.10.2018 in the light of advertisement published in Bihar Gazette dated 14.3.2016 issued by the Department of Food and consumer Protection Department, Government of Bihar, Patna, being illegal, arbitrary, discriminatory and without following the norms of selection.

(III) For cancelation of the entire selection process of PDS dealer of Village-Barahi, Panchayat-Barhi, Block- Rajnagar, Sub-division-Jaynagar under District- Madhubani and direction to select the petitioner being an eligible candidates.

(IV) To direct the respondent authority to dispose of the Appeal filed by the petitioner on 8.11.2019 bearing Appeal no.

(V) For any other appropriate order/orders as your lordship may.”

After the matter was heard for some time, learned



counsel appearing on behalf of the petitioner, under instructions, states that petitioner may be permitted to prefer an appeal against the impugned order before the Appellate Authority.

Permission granted.

Learned counsel for the respondents states that if such an appeal is preferred within a period of four weeks from today, 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 following mutually agreeable terms:-

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

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

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

(d) Petitioner through learned counsel undertakes



to fully cooperate and not take unnecessary adjournment;

(e) The Appellate Authority shall decide the appeal on merits, in compliance of the principles of natural justice;

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

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

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

(i) 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;

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

(k) 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	07.01.2022
Transmission Date	

