

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8574 of 2021

Nasim Ansari S/o Md. Jallauddin Ansari R/o At and P.O.- Bargon, P.S.-
Nokha, District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Principal Secretary, Food and Civil Supplies Department, Govt. of Bihar, Patna
3. The District Magistrate, Rohtas
4. The Sub Divisional Officer, Sasaram at Rohtas
5. The District Supply Officer, Rohtas
6. The Block Development Officer, Block- Nokha, District- Rohtas
7. Anil Kumar S/o Late Mahendra Prajapati, R/o Village- Bargon, P.O.- Bargon, P.S.- Nokha, District- Rohtas

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Singh, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal, SC-4
		Mr. U.P. Singh, AC to SC-4
		Mr. S. Raza Ahmad, AAG-5

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-01-2022

Heard learned counsel for the parties.

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

- (a) To quash the order contained in memo no-138 dated 30.01.2021 issued by the District Magistrate, Rohtas, so far it relates to the petitioner, whereby and whereunder the objection of petitioner has been overruled and the dealership of PDS shop at Gram Panchayat Raj Utari Barao, Block- Nokha, District – Rohtas has been allotted in favour of Anil Kumar (Resp. No-7). A copy of order dated 30.01.2021 is annexed as ANNEXURE- 1 to this application.



- (b) To direct the respondents to produce the selection/allotment letter PDS shop at Gram Panchayat Raj Utari Barao, Block- Nokha, District – Rohtas issued in favour of Resp. No-7 and quash the same.
- (c) To direct the respondents to issue selection/allotment letter PDS shop at Gram Panchayat Raj Utari Barao, Block- Nokha, District – Rohtas issued in favour of petitioner and allow him to work accordingly.

And/or for any other appropriate relief(s) as per the facts and circumstances of the case.

Shri Arvind Ujjwal, learned Standing Counsel No. 4 invites attention to the provisions of Rule 32 (vii) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

In view of the same, learned counsel appearing on behalf of the petitioner, under instructions, states that petitioner may be permitted to prefer a revision against the impugned order before the Revisional Authority.

Permission granted.

Learned counsel for the respondents states that if such a revision 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 revision 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 a revision within a period of four weeks from today;

(b) In the event of revision being preferred within a period of four weeks from today, the issue of limitation shall not come in the way of adjudication of the revision 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 Revisional Authority shall decide the revision on merits, in compliance of the principles of natural justice;

(f) The Revisional Authority shall pass a reasoned and speaking order, within a period of six months from the date of filing of the revision, copy whereof be supplied to the parties;

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

(h) 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;

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

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

The instant petition stands disposed of in the
aforesaid terms.

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

(Sanjay Karol, CJ)

(Sanjeev Prakash Sharma, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	05.01.2022
Transmission Date	

