

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10202 of 2021

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Jamila Khatoon Wife of Mohammad Nazir Ansari Resident of Village- Kant,
P.S.- Brahampur, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar Through Secretary Food and Consumer Protection Deptt.
Govt. of Bihar, Patna.
2. The District Magistrate District- Buxar.
3. The District Supply Officer District- Buxar.
4. Additional District Supply Officer Buxar.
5. The Sub- Divisional Officer Dumraon, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Adv.
For the Respondent/s : Mr.Lalit Kishore (Ag), Adv.

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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):-

“I) For issuance of a writ in the nature of Mandamus, or any other appropriate writ, order or direction to the respondent authorities who rejected the application of the petitioner for P.D.S (Public Distribution System) Shop license without any proper and formal reason for the Grampanchayat-Kant and also not fulfill the criteria as provided under Public Distribution System (Control) Order, 2016, as he belongs to within the same nutritious area for which the



shop license has notified.

11) For issuance of a writ in the nature of Mandamus or any other appropriate writ, order, direction to the respondent authorities to reconsider the application of the petitioner for PDS Shop license as the petitioner's name appeared at Sl. 1 in the Merit List of the District Level Selection List.

III) For issuance of any other appropriate writ, order/orders, direction/directions for which the petitioner shall be found entitled under the facts and circumstances of the case.”

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 stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Sanjeev Prakash Sharma, J)

pravinkumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

