

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11735 of 2021**

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Satyendra Kumar Ram, Son of Late Shyamdhari Ram, Resident of Village-Sondihara (Semariya), Police Station-Bhabua, District-Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Supply and Consumer, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Chairman, District Selection Committee, Kaimur (Bhabua).
3. The Sub Divisional Officer-cum-Licensing Officer, Bhabua, Kaimur (Bhabua).
4. The Block Development Officer, Bhabua, Kaimur (Bhabua).
5. The District Supply Officer, Bhabua, Kaimur (Bhabua).
6. The Block Supply Officer, Bhabua, Kaimur (Bhabua).
7. The District Selection Committee, Kaimur (Bhabua).
8. The Assistant District Supply Officer, Bhabua, Kaimur (Bhabua).
9. Sonu Kumar Rajak, Son of Bhim Baitha, Resident of Village-Marichao, P.S.-Bhabua, District-Kaimur (Bhabua).

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Kumar Sunil, 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 MR. JUSTICE S. KUMAR)**

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

**Date : 10-01-2022**

Heard learned counsel for the parties.

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

“1. For quashing the Memo No. X-06-2021/265/Aa, dated 26.03.2021, issued under the signature of District Magistrate-cum-Chairman, District Selection

Committee, Kaimur (Bhabua), by which under his chairmanship proceeding held on 19.03.2021 of District Level Selection Committee for grant of P.D.S. License, under the provision of Bihar Targeted P.D.S. (Control) Order, 2016, whereby and whereunder the merit of the Petitioner being 1st position in the Provisional Merit List of Schedule Caste Category was ignored and in complete violation of the Provision of Rule 6 (Reservation) of Bihar Targeted P.D.S. (Control) Order, 2016, the Selection of Respondent No.9 was done who was at Sl. No. 9 in the Provisional Merit List by giving Reservation on the ground of being handicapped, for which the Respondents have neither created any vacancy nor mentioned the same in the advertisement/Notice published vide Annexure-2 and arbitrarily ignored the merit of the Petitioner, reason best known to them.

II. For a direction upon the Respondent to cancel the selection of Respondent No. 9 which was done in complete violation of Rules of Roster and Reservation Policy under the Provision of Bihar Targeted P.D.S. (control) Order, 2016.

III. For a direction upon the Respondents to allow and issue P.D.S./ Fair Price Shop License in favour of the petitioner for the Gram Panchayat- Dihara, Block/Sub Division -Bhabua, District- Kaimur (Bhabua).

IV. Any other relief/reliefs as this petitioner may found entitled by this Hon'ble Court be granted under the facts and circumstances of this case."

3. After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned i.e. (Respondent No. 2, District Magistrate-cum-Chairman, District Selection Committee, Kaimur (Bhabua) to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

4. Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

5. Statement accepted and taken on record.

6. As such, petition stands disposed of in the following terms:-

- (a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);
- (b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months

from the date of its filing along with a copy of this order;

- (c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;
- (d) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;
- (e) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;
- (f) 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;
- (g) Liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of action;
- (h) We have not expressed any opinion on merits. All

issues are left open;

- (i) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

7. The petition stands disposed of in the aforesaid terms.

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

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

Rajiv/veena-

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