

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11841 of 2021

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Rifat Parveen W/o Md. Rahmatullah, Resident of Village - Harpurwa, Post - Harpurwa, P.S.- Bajpatti, District - Sitamarhi - 843314.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Food Consumer and Protection, Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, Sitamarhi.
4. The Sub-Divisional Officer, Pupri at Pupri, Sitamarhi.
5. The District Supply Officers, District Sitamarhi.
6. The Block Development Officer, Block - Bajpatti, District - Sitamarhi.
7. The Block Supply Officer, Block Bajpatti, District - Sitamarhi.
8. Goldi Kumari, W/o Bhogendra Paswan, R/o village - Ward No. 12, Dhankaul, Post - Harpurwa, P.S. Bajpatti, District - Sitamarhi - 843314.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Md. Jubair Ansari, Advocate
For the Respondent/s	:	Mr.S Raja Ahmad (Aag5)

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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 : 11-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

- i) For issuance of a writ in the nature of certiorari or any other appropriate write for setting aside the selection of Respondent No. 8 namely Goldi Kumari who has been granted licence of P.D.S. dealership for panchayat namely Harpurwa in Block Bajpatti within Pupri Sub Division order contained in Memo NO. 719 dated 20.08.2019 issued under the signature of District

Magistrate cum Chairman District
selection committee, Sitamarhi.

(Annexure-13)

- ii) For issuance of writ in the
nature of mandamus or direction
commanding upon the respondent
to select the name of petitioner
for grant of Licence of P.D.S.
dealership for Panchayat namely
Harpurwa in Block Bajpatti in
Place of respondent No. 08 as
the petitioner placed first in

the merit list with 78.8% marks

and the respondent No. 08 having

merely 50.8% and placed her name

at fifth 5th in merit list vide

merit list dated 16.08.2018

issued by Sub-Divisional

Officer, Pupri, Sitamarhi.

iii) For holding that the order of

selection of Respondent NO. 8

for grant of Licence of P.D.S.

dealership for panchayat namely

Harpurwa in Block, Bajpatti is

illegal unreasonable, capricious

not sustainable in the eye of law, as well as violative of directive public distribution system (control) order 2016.

iv) For issuance of any other writ order or direction which your lordships may deem fit and proper in the fact and circumstance of the case.

It is submitted on behalf of the learned counsel for the petitioner that District Selection Committee has illegally appointed private respondent no.8 as PDS dealer although he is at Sr. No. 1 in the merit list and he should have been granted PDS dealership.

Petitioner had filed an appeal before the District Collector against said selection giving rise to Supply Appeal Case No.53/2019 which has been dismissed by the District Magistrate (Annexure 15) by order dated 25.2.2021 holding that since he himself is the Chairman of the District Selection

Committee, he cannot hear any appeal against the selection made by the selection committee presided over by him.

As such, petitioner is granted liberty to file revision within 4 weeks before the Commissioner under Rule 32 of the Bihar Targeted Public Distribution System (Control) Order, 2016 challenging the selection of respondent no.8 by the District Selection Committee as PDS dealer ignoring his claim, although he is placed at Sr. no.1 of the merit list.

The Commissioner shall decide the revision filed by petitioner after hearing all the parties concerned, including respondent no.8 and shall pass a reasoned and speaking order preferably within 8 weeks from the date of filing of such revision.

With aforesaid observation and direction, this writ petition stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.01.2022
Transmission Date	NA