

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12723 of 2021

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Md. Ashfaque, S/o Md. Rafiuddin, R/o Ward No. 10, Thana Bajpatti,
Sitamarhi - 843314.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food Consumer and Protection Department of Govt. of Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, Sitamarhi.
4. The Sub-Divisional Magistrate Pupri at Pupri, Sitamarhi.
5. The District Supply Officer, Sitamarhi.
6. The Block Development Officer, Block Bajpatti, District - Sitamarhi.
7. The Block Supply Officer, Block Bajpatti, District - Sitamarhi.
8. Sobha Kumari, W/o Brijesh Kumar Paswan, R/o Village - Madhubani, Post - Belahia, P.S. Bajpatti, District - Sitamarhi.
9. Amlesh Kumar, S/o Yogilal Rai, R/o Village - Madhubani, Post - Belahia, P.S. Bajpatti, District - Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Jubair Ansari, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (S.C. 4)

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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 : 13-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“(i) For issuance of a writ in the nature of certiorari or any of has appropriate writ for setting aside the selection of Respondent No. 09 namely Amlesh Kumar who has been granted licence of P.D.S. dealership for Panchayat

namely Belahia in Block. Bajpatti, within Pupri, Division order contain in Memo No. 13 dated 19.12.2018 and memo 719/..... dated 20.08.2020 issued under the signature of District Magistrate Sitamarhi cum Chairman District Selection Committee, Sitamarhi.

(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 license of P.D.S. Dealership for Panchayat, Behahiya in Block Bajpatti within sub division Pupri in place of Respondent No. 09 namely Amlesh Kumar, who was selected after the termination of Respondent No. 8 license namely Sobha Kumari, as the petitioner is the most qualified candidates among all the applicants for the said vacate seat of centre No. 141 U/R and the name of petitioner were mention in two places in merit list published by the Sub-Division Officer Pupri, Sitamarhi, in which petitioner name were Respectively written on serial no. 1 and 13 with having 84.66% in M.A. Marks-sheet and also having required Computer Certificate.

(iii) For holding that the order of selection of Respondent No. 9 for grant of Licence of P.D.S. Dealership for Panchayat namely, Belahia in Block Bajpatti, within sub Division Pupri District- Sitamarhi is illegal unreasonable capricious not sustainable in the eye of law as well as violative of Director of Public Distribution System (Control) Order 2015 clause 9(V).

(iv) For issuance of any other writ or direction which your lordship may deem fit and proper in 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 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 eight weeks 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 sands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	