

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14121 of 2021

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1. Deepika Kumari W/o Pankaj Kumar R/o Vill- Suggi, P.S.- Goh, Dist- Aurangabad.
 2. Ankaj Kumar S/o Shashikant Yadav R/o Vill- Kashi Bigha, P.S.- Rafiganj, Dist- Aurangabad.
 3. Saroj Kumar S/o Raja Ram Prasad R/o Vill- Putki Srinagar, P.S.- Dhanbad, Dist- Dhanbad, Jharkhand.
 4. Rajesh Kumar S/o Chandradew Paswan R/o Vill- Kumhaini, Simla, P.S. and Dist- Aurangabad.
 5. Roushan Kumar Bhaskar S/o Kanhaya Das R/o Vill- Deohara, P.S.- Goh, Dist- Aurangabad.
 6. Urmila Kumari W/o Arvind Vishkarma R/o Vill- Ankorha, P.S. and Dist- Aurangabad.
 7. Sangeeta Kumari W/o Ramanand Yadav R/o Vill- Darma, P.S.- Goh, Dist- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya, Dist- Gaya.
3. The District Magistrate, Aurangabad.
4. The District Supply Officer, Aurangabad.
5. The Sub-Divisional Officer, Aurangabad.
6. The Sub-Divisional Officer, Daudnagar.
7. The Sub-Divisional Officer, Goh.
8. The District Co-operative Officer, Aurangabad.
9. The District Welfare Officer, Aurangabad.
10. The Executive Engineer, PHED Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar No. 1
For the Respondent/s : Mr. Arvind Ujjwal (SC4)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER



(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 25-03-2022 This application has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

The petitioners have filed this writ application seeking similar relief as granted to the petitioner of CWJC No. 21657 of 2019 by this Court in its order dated 25.03.2021.

The petitioners assert that their cases are identical to that of the petitioner of CWJC No. 21657 of 2019. A copy of the said order dated 25.03.2021 has been brought on record by way of Annexure-2 to the writ petition.

It is to be noted that the petitioners had earlier approached this Court by filing writ petition giving rise to CWJC No. 7646/2019 that came to be disposed of by an order dated 04.06.2019, a copy of which is there on record by way of Annexure-3 to the writ application. From the said order, it is evident that the petitioners had alleged in the earlier proceedings bunglings at huge scale in the matter of selection of the PDS dealers in the Aurangabad Sub-Division and the Daudnagar Sub-Division. It was the petitioners' case before this Court that overlooking better merits of the petitioners the private respondents, having less merit points had been selected.



It appears from this Court's order dated 04.06.2019 that, in the light of submission made on behalf of the State of Bihar to the effect that the matter was being examined by a Committee of three members and based on reports submitted by the said Committee appropriate decision would be taken, the writ petition was disposed of. The fact remains, as is evident from the said order dated 04.06.2019 that the petitioners were not selected as PDS dealers.

On the other hand in CWJC No. 21657/2019, an order passed by the Divisional Commissioner dated 28.08.2019 was under challenge, whereby the selection of the petitioner of that case was cancelled and a direction was issued for undertaking a fresh selection process, without giving the petitioner an opportunity of hearing. Noticing the fact that after the selection, the petitioner of CWJC No. 21657/2019, had deposited the required amount through challan as also the fact that there was no complaint against the selection of the said petitioner, this Court had interfered with the action impugned in that case.

The petitioners have not pleaded in the present writ application that they were selected as PDS dealers pursuant thereto they had deposited the requisite amount/licence fee by way of challan. On the contrary, it was the petitioners' own case



in CWJC No. 7646/2019 that they were not selected. In our opinion, therefore, the petitioners' claim of parity with the case of the petitioner of CWJC No. 21657/2019 is misconceived.

For the foregoing reasons, this application, in our opinion, has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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