

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1513 of 2021

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Bipin Kumar, S/o Late Nand Kishore Prasad, Resident of Village-Tungi,
Panchayat-Tungi, P.S.-Biharsharif, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Chairman, District Level Selection Committee, District-Nalanda at Biharsharif.
3. The Collector-cum-District Magistrate, Nalanda at Biharsharif.
4. The Sub Divisional Officer, Biharsharif, District-Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Adv.
For the State : Mr. Ajay Behari Sinha, G.A.-8
Mr. Neeraj Raj, A.C. to G.A.-8

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 06-04-2022

Heard Mr. Dhananjaya Nath Tiwari, the learned
Advocate for the petitioner and Mr. Ajay Behari Sinha, the
learned Senior Advocate for the State.

2. The petitioner is aggrieved by the grant of



license to a person (who has not been impleaded as party in this writ petition) who is not a handicapped person in preference to the petitioner, who is a differently abled person.

3. According to the learned counsel for the petitioner, reservation has to be given in grant of license for vacant positions of fare-price shops for different classes and horizontal reservation of three percent is to be given to differently abled persons in each of the categories.

4. The petitioner had initially raised the issued that in contravention of Clause 6(III) of the Targeted P.D.S. Control Order, 2016 which obligates the State to give reservation to physically challenged persons, it has not been done in the instant case and in general, it is not being applied uniformly.

5. Mr. Ajay Behari Sinha, the learned Senior Advocate for the State has drawn the attention of this Court to the resolution of the Government which directs that in all such cases, horizontal reservation to differently abled persons have to be given in each class and such



direction is regularly been followed.

6. The grievance of the petitioner, it has been urged on behalf of the State, is unfounded and based on no definite statistics.

7. Apart from this, we have noticed that the petitioner does not come from the extremely backward class category whereas the advertisement for the license was *Tungi* and it was limited for only extremely backward class candidates.

8. For the petitioner not coming from such category, his grievance is meaningless.

9. There is no merit in this writ petition and is, accordingly, dismissed.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

Praveen-II/-

AFR/NAFR	NAFR
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