

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15717 of 2021

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Shailendra Kumar Singh, son of Late Keshori Singh, resident of Village and
Post Murahan Jamin, P.S. and Block-Goradih, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer
Protection Department, Government of Bihar.
2. The Additional Secretary, Food and Consumer Protection Department, Govt.
of Bihar, Patna.
3. The Collector-cum-District Magistrate, Bhagalpur.
4. The District Officer-cum-Chairman District Selection Committee,
Bhagalpur.
5. The District Supply Officer, Bhagalpur.
6. The Sub-Divisional Officer, Bhagalpur Sadar, Bhagalpur.
7. The Block Development Officer, Goradih, District Bhagalpur.
8. Ajay Kumar, son of Siyaram Mandal, Resident of Village-Bari Jamin, P.S.
and Block-Goradih.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sri Krishna Ranjan, Advocate

For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

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Date : 20-01-2022

The petitioner has prayed for the following relief/s :-

(A) For issuance of writ in nature of mandamus for commanding and directing the licensing authority under Bihar Targeted PDS (Control) order, 2016 for grant and issuance of PDS Shop License in favour of petitioner in terms of panel Seniority list dated 30.11.2018 published in pursuance of



Advertisement dated 18.08.2018 issued by the District Collector, Bhagalpur in which petitioner's name is reflected at 1st position in abovesaid seniority list but unfortunately the respondent no. 8 has been selected for grant of PDS shop License as his name appears at 3rd position in Seniority list.

(B) For quashing or set aside selection of Respondent No. 8 for grant of PDS shop License of Murahari Jamin Gram Panchayat issued by the Licensing authority, Bhagalpur in year 2019 ignoring the seniority position of petitioner as well as priority of handicapped candidate and advance Computer Certificate.

(C) And for any other relief/reliefs for which the petitioners is found to be entitled under the provision of law is involved in the present case.

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 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).

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 three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

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

(a) Petitioner shall approach the authority concerned i.e Respondent No. 6, namely the Sub-Divisional Officer, Bhagalpur Sadar, Bhagalpur, within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The said authority shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three 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) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) 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;

(f) Liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits. All issues are left open;

(h) 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;



The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	21.01.2022
Transmission Date	

