

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16003 of 2021

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Sabita Kumari W/o Sanjay Kumar Mandal Resident of Village-Putai
Panchayat Mahthaur, Block-Tardih, P.S.-Manigachi, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The Block Development Officer, Birol, District-Darbhanga.
4. The District Supply Officer, Darbhanga.
5. The Block Development Officer, Sadar Darbhanga.
6. The Sub-Divisional Officer, Benipur.
7. The District Co-operative Officer, Darbhanga.
8. The District Provident Fund Officer, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mrs.Namrata Mishra, Advocate
For the Respondent/s : Mr.Arvind Ujjwal, SC-4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(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.)

Date : 21-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):

“I. For issuance of writ in the nature of certiorari for quashing the decision taken by the selection committee dated 24. 08. 2021 whereby the candidature of the petitioner for selection under



the Public Distribution System has been rejected on the grounds that the eligibility of the petitioner in computer less, therefore, the claim of the petitioner is being rejected which is wholly illegal, arbitrary, and without jurisdiction for the reasons that the certificate with regard to computer education has been given by the petitioner at latter stage, therefore, new documents is not exceptable hence the objection made by the petitioner was rejected on the sole grounds.

II. For issuance of writ in the nature of declaration holding that the decision taken by the District Selection Committee is rejecting the claim of the petitioner for her selection as a dealer under the Public Distribution System is wholly misconceived for the reasons that the petitioner also holds the eligibility criteria and is duly and more qualified in computer education for her selection as dealer under Public Distribution System hence the decision of the District Selection Committee is illegal, arbitrary and wholly without jurisdiction

III. For issuance of writ in the nature of mandamus directing the respondent to consider the claim of the petitioner for her selection as a dealer under the Public Distribution System as he also holds the degree in computer education which is pre-requisite for selection as a PDS dealer under the Public Distribution System and is more eligible then the other candidates as her name figured at serial no. 1 in the merit list.

IV. For restraining the respondents from taking any decision for issuance of license under the Public Distribution System during pendency of the present writ application.

V. To any other relief/s to which the petitioner is found entitled to in facts and circumstances of 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 concerned authority to consider and decide the Appeal/Revision to be filed by the petitioner within a period of four weeks along with a copy of this order, within a period of three months from the date of its filing.

Without expressing any opinion on merits of the claim, petition is disposed of with the liberty aforesaid. All issues on facts and law are left open.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

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.



The petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	24.01.2022
Transmission Date	

