

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18819 of 2021

Radha Kumari, D/o Rajkumar Sahni, R/o Mohalla- Mahdaulli Kilaghat
Bajitpur, Ward No. 23, P.S.- Lahariasarai, Dist.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection, Government of Bihar, Patna,
2. The District Magistrate cum Collector Darbhanga.
3. The District Supply Officer Darbhanga.
4. The S.D.M. Supply Darbhanga.
5. The S.D.M. Sadar Darbhanga.
6. The S.D.M. Benipur Darbhanga.
7. The S.D.M. Biraul Darbhanga.
8. The District Co-Operation Officer Darbhanga.
9. The District Provident Fund Officer Darbhanga.
10. Rekha Devi, W/o Nageshwar Sahani, R/o Mohalla- Mahdaulli Kilaghat
Bajitpur, Ward No. 23, P.S.- Lahariasarai, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad, Advocate
For the Respondent/s : Mr.S. Raza Ahmad (AAG-5)

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 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 : 31-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

- (i) A mandamus commanding/directing the respondents authority to appoint the petitioner for dealer of public distribution shop of ward no. 23

according to merit list and terms and conditions laid down by the authorities in public notice.

(ii) A mandamus commanding/ directing the respondents authorities to cancel the selection of respondent no. 2 who is selected by ignoring the merit list and terms and conditions laid down by the authority and appoint the petitioner for the post of ward no. 23 Darbhanga in place of respondent no. 2 who was not entitled for the post of dealership of ward no. 23 Darbhanga.

(iii) Directing the respondents/state authority to take cognizance seriously for the redress the grievance of the petitioner for which petitioner is entitled according to merit list and terms and conditions published in public notice.

(iv) Any other writ or writs for granting any other relief/reliefs for which the petitioner is found entitled 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 stands 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	