

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20353 of 2021

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Punam Kumari, W/o Krishnadeo Paswan, Resident of Village-Tofir Gadhiya,
P.S. Chautham, District-Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through District Level Selection Committee, Khagaria.
2. District Magistrate, Khagaria (Chairman of District Level Selection Committee, Khagaria.
3. The District Supply Officer, Khagaria, District-Khagaria.
4. District Co-operative Officer, Khagaria, District-Khagaria.
5. District Development Commissioner, Khagaria, District-Khagaria.
6. Sub Divisional Officer, Khagaria, District-Khagaria.
7. Block Supply Officer, Khagaria, District-Khagaria.
8. Punam Sharma W/o Sri Sanjay Kumar Resident of Village- Gadhiya, P.S. Chautham, District-Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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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 through
Video Conferencing and the Advocates joined the proceedings
through Video Conferencing from their residence.)**

Date : 08-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

(I) For issuance of an appropriate writ in the nature of certiorari for quashing the selection list of providing licence of Public Distribution System (hereinafter known as P.D.S.) shop dealer i.e., fair price shops dated 10.07.2019 issued by District Level Selection Committee, Khagaria

(contained in Annexure-6) by which respondent no.8 was wrongly selected ignoring the provisions of act in spite of raising objection by the petitioner.

(ii) For issuance of appropriate writ in the nature of mandamus directing the respondent authorities to select the petitioner who is at serial 5 in selection list and an abducted elderly, unemployed poor lady belong to schedule caste.

(iii) To grant any other relief/reliefs to which the petitioner may be found entitled to in the facts and circumstances of the case.”

Petitioner has approached this Court without exhausting the statutory remedy of appeal as provided under Clause 32 of Bihar Targeted Public Distribution System (Control) Order, 2016 against the order by which her application for grant of PDS licence has been rejected and on her place, private respondent no.8, namely, Punam Sharma, has been granted P.D.S. licence.

Petitioner is granted liberty to avail the remedy of appeal against the impugned order by which her application for grant of PDS licence has been rejected by the District Selection Committee before the Divisional Commissioner, Khagaria and if any such appeal is filed within 4 weeks then appellate authority shall condone the delay in filing the appeal and shall

decide the appeal on its own merit preferably within 8 weeks from the date of its filing.

With aforesaid direction, the writ petition stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.02.2022
Transmission Date	NA