

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14135 of 2018

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Raj Kishore Singh, son of Late Ram Bilash Singh, resident of Village-
Namidih, Post- Ghataro, P.S.- Lalganj, Sub Division- Hajipur Sadar, District-
Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna
2. District Magistrate, Vaishali at Hajipur.
3. Additional Collector, Vaishali at Hajipur.
4. Sub- Divisional Officer, Hajipur Sadar
5. District Supply Officer, Vaishali at Hajipur.
6. Assistant District Supply Officer, Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Nilesh Kumar, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

- 3 20-05-2022 The petitioner claims to be a resident of village

Namidih in the district of Hajipur and a member of Ghataro

Madhya Panchayat Primary Agricultural Credit Society (PACS)

under the said district. This writ application has been filed for

setting aside an advertisement issued under the signature of the

District Magistrate, Vaishali inviting applications from eligible

persons for grant of licences against vacant PDS shops under



Bihar Targeted Public Distribution System (Control) Order, 2016 (for short 'the Control Order, 2016') in the district of Vaishali.

2. The main ground which has been taken to assail the impugned advertisement is that the determination of roster points for implementing the reservation policy, as stipulated under the Control Order, 2016 is erroneous for the reason that Primary Agricultural Credit Society (PACS) have also been placed under reserved category. The category-wise reservation of vacancies has been notified in the impugned advertisement based on the roster points so determined.

3. Mr. Ajay Kumar Thakur, learned counsel appearing on behalf of the petitioner has referred to Annexure-2 to the writ petition to persuade and convince this Court that even the PACSs have been placed under different reserved categories on the basis of the caste status of the Chairman of the concerned PACS for the purpose of determination of roster points to give effect to the scheme of reservation under Clause-6 of the Control Order, 2016. He contends that preparation of roster points itself being erroneous, the impugned advertisement for selection, disclosing category-wise reservation in vacancies as well as the entire selection process based on such advertisement



stand vitiated. He accordingly submits that the impugned advertisement deserves to be set aside by this Court.

4. A counter affidavit has been filed on behalf of the State of Bihar justifying determination of roster points based on which vacancies have been disclosed in the impugned advertisement has been issued. It is being contended on behalf of the State of Bihar that the reservation roster has been prepared strictly in accordance with Clause-6 of the Control Order, 2016.

5. We have carefully perused the pleadings on record and examined the copies of relevant documents which have been annexed thereto. Visibly, page 1 of Annexure-2 at Page 20 of the writ petition exhibits determination of roster points in the exercise undertaken to give effect to the provision for reservation under Clause-6 of the Control Order, 2016. It is evident from the said document that it contains the details of the vacant PDS shops under Hajipur Sub-Division. After having determined the number of vacant PDS shops as on 17.07.2017, the roster points have been determined. In no uncertain terms, the Clause-6 of the Control Order, 2016 provides that reservation in vacancy of fair price shops on the date of commencement of the order shall be as prescribed in sub-



clause(1). It is evident on close reading of Clause-6 of the Control Order, 2016 that roster points for the purpose of grant of reservation in the matter of issuance of licence is to be determined in respect of vacancies existing on the date of commencement of the order. The said clause does not refer to rather excludes the existing licences granted to persons/ bodies of different categories, for the purpose of extending benefit of reservation under the Control Order, 2016.

6. Mr. Thakur, learned counsel for the petitioner has not been able to demonstrate any breach of the provision under Clause-6 of the Control Order, 2016 in preparation of roster points as available at Page-1 of Annexure-2 to the writ petition.

7. We must also notice, at this juncture, that under Central Public Distribution System (Control) Order, 2001 (Control Order, 2001 for short) there was provision for giving priority in allotment of fair price shops in favour of PACS. The Control Order, 2001 has been repealed by Control Order, 2016. In Control Order, 2016 the PACS has been excluded from the list of bodies/ persons entitled to get preferential treatment in the matter of allotment of fair price shops. The petitioner's claim, in the present writ application, is based on he being a member of a PACS.



8. Since we do not find any legal flaw in determination of roster points based on which the impugned advertisement has been issued, we do not find it to be a fit case for interference.

9. For the aforesaid reasons, we do not find any merit in this writ application. This writ application is accordingly dismissed.

10. The interim order stands vacated.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

Rajesh/-

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