

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.321 of 2019

In
Civil Writ Jurisdiction Case No.1209 of 2019

=====

Rinku Kumari Wife of Brajesh Kumar Yadav Resident of Rampurva, Post-Mahanwa, P.S.- Manjhauliya, West Champaran

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
4. The Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
5. The District Officer-cum-Collector, West Champaran at Bettiah.
6. The Sub Divisional Officer, Bettiah Sadar, West Champaran.
7. The District-Supply Officer, Bettiah Sadar, West Champaran.
8. The Block Supply Officer Chanpatiya Block, West Champaran.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Shailendra Kumar Verma
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-02-2024

The petitioner was before the learned Single Judge challenging the selection for filling up one vacancy of a PDS shop under the unreserved category of Rampurva Mahanwa Panchayat under Manjhaliya Block, West Champran. The selection was conducted as per Rule 9 of Bihar Targeted Public Distribution System (Control) Order, 2016. One



person, who was senior in age to the petitioner but with equivalent qualification was selected. The petitioner's contention before the learned Single Judge was that the petitioner having obtained more marks in the qualifying examination, she should have been considered above the other person.

2. We find absolutely no reason to interfere with the judgment of the learned Single Judge. The learned Single Judge has correctly found that when an eligibility is specified, there is no question of selection being conducted on the basis of marks obtained in the qualifying examination; unless there is a specific prescription for that. In fact, the control order under which the selection was made, speaks of the person senior in age, being selected on the qualification being equivalent. Hence, the petitioner's higher marks in the qualifying examination pales to insignificance.

3. The petitioner then had a contention that the population of the area in which the PDS was established, require two PDS shops. The learned Single Judge considered the same and directed the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar to address the issue of establishing one more PDS shop. Even if an



additional PDS shop is established, the petitioner cannot claim for being appointed on the basis of her second rank obtained in the present selection. The present selection was conducted only for filling up one vacancy. If another PDS shop is established, necessarily a further advertisement has to be made and application received as also selection conducted. We find absolutely no reason to entertain the writ petition.

4. The appeal stands dismissed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

kiran/neha/ -

AFR/NAFR	
CAV DATE	
Uploading Date	13.02.2024.
Transmission Date	

