

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9930 of 2023

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Kumari Rekha Sinha Wife of Abhay Shankar, aged about 45 years, Gender-Female, Resident of Village-Uttimpur, P.S.-Hulasganj, District-Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Magadh Division, Gaya, Bihar.
3. The District Magistrate-Cum-Chairman of District Selection Committee, Jehanabad.
4. The District Supply Officer, Jehanabad.
5. The District Co-operative Officer, Jehanabad.
6. The Sub Divisional Officer, Jehanabad.
7. The Additional Collector, Jehanabad.
8. Shashi Kumari Wife of Kaushalendra Kumar, aged about 28 years, Gender-Female, Resident of Village-Uttimpur, P.S.-Hulasganj, District-Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate.
For the Respondent/s : Mr. S. Raza Ahmad (AAG-5).

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

7 21-11-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the following reliefs:-

“.....for issuance of a writ in the nature of Certiorari to quash the order dated 27.04.2023 passed by the Divisional Commissioner, Magadh Division, Gaya in Supply Appeal Case No. 04 of 2023 (Kumari Rekha Sinha Versus The State of Bihar & Ors) by which the Learned Commissioner has dismissed the appeal of the petitioner and affirmed the Merit List recommended



by the District Selection Committee, Jehanabad and published by the Sub-Divisional Officer, Jehanabad in light of Memo No. 348 dated 17.08.2022 issued by the District Supply Officer, Jehanabad. Further, quash the Merit List recommended by the District Selection Committee, Jehanabad in its meeting dated 04.08.2022 and published by Sub-Divisional Officer, Jehanabad in light of Memo No. 348 dated 17.08.2022 issued by the District Supply Officer, Jehanabad wherein the name of the petitioner has been placed at Sl. No. 3 whereas she was placed at Sl. No. 1 in 2018 Merit List recommended by the same committee and Shasi Kumari (Respondent No. 8) by adopting illegal means is placed at Sl. No. 1 in the Final Merit List whereas she was at Sl. No. 3 in 2018 Merit List recommended by the District Selection Committee, Jehanabad. Thereafter issue a writ in the nature of Mandamus directing and commanding the respondents to prepare the fresh merit list on the basis of documents and application forms submitted by the candidates in 2017 in response of the Advt. No. 01/Supp./2017 for allotment of PDS shops under Bihar Targeted Public Distribution System (Control) Order, 2016 for vacancy of shop at "Uttimpur" in "Dabthu" Panchayat."

3. A perusal of the documents filed by the petitioner as well as the respondents more particularly the application made by the Respondent No. 8 herein Shashi Kumari reveals



that the Respondent No. 8 has not filled out the form as against Column No. 3 to 13 of the said application form. The Respondent No. 8 has not answered as to whether the said conditions applied to her or not. Further, as pointed out by the learned counsel appearing on behalf of the petitioner most of the documents filed by the Respondent No. 8 were attested by three officials but in so far as the Diploma Certificate obtained by the Respondent No. 8 is concerned, except the self certification of the Respondent No. 8 none of the signatures of the attestators seen in other documents are present which creates a doubt as to whether these documents have been inserted subsequently. Under normal circumstances, this Court could have allowed the present writ petition by setting aside the selection of the Respondent No. 8 and directed the appointment of the petitioner, however, the learned counsel appearing on behalf of the Respondent-State has pointed out that the petitioner was not selected as she could not show the place of the godown properly and further on inspection the place identified by the petitioner as godown was found to be a *Gaushala*. Therefore, even if the selection of the Respondent 8 is set aside, the petitioner is unlikely to be appointed.

4. Having regard to the above, the impugned order



dated 27.04.2023 passed by the Divisional Commissioner, Magadh Division, Gaya is set aside and the matter is remanded back to the authority for considering the entire matter in light of the above observations made by this Court and pass an appropriate order. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks form the date of the receipt of the copy of this order. It is needless to observe that before passing any orders, the petitioner as well as the Respondent No. 8 shall be given an opportunity of hearing and necessary orders passed strictly in accordance with law. Any orders passed shall be communicated to the parties.

5. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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