

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21445 of 2019

Alamgeer S/o Alihasan Resident of Village- Jalia Paschmi, Ward No.01,
Puranawas Gram Panchayat- Manowar, P.S.- Maheshi (Jalai O.P.), District-
Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Additional Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The Joint Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
4. The District Magistrate, Saharsa.
5. The District Officer cum Chairman District Selection Committee, Saharsa.
6. The District Supply Officer, Saharsa.
7. The Sub Divisional Officer, Sadar Saharsa
8. The Block Supply Officer, Maheshi, District- Saharsa.
9. The Block Development Officer, Maheshi Block, District- Saharsa.
10. Md. Sarfaraj Ahmad S/o Md. Abrar Alam Resident of Village- Jalai Dih, Ward No.5, Panchayat Manowar, P.S.- Maheshi, District- Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 09-12-2024

1. The Writ petition is filed for issuance of appropriate Writ or direction for setting aside the Memo No. 682/go, Saharsa, dated 08.03.2019 issued by S.D.O., Saharsa, Sadar by which the 10th Respondent who is at Serial No. 4 has been arbitrarily and discriminately selected as PDS dealer, at Manowar Panchayat Jalai, of



Mahesi Block, District Saharsa, amongst 15 PDS dealers selection of Maheshi Block. Further, to direct to select the petitioner as per merit list for allotment of Fair Price Shops (PDS dealership) of Manowar Panchayat Jalai, Maheshi at Saharsa District.

2. The brief facts culled out of the Writ petition is that the petitioner applied for allotment of PDS Dealership based on the advertisement of the respondents. The petitioner is one amongst the other candidates who have applied for the PDS dealership. It is the specific contention in the Writ petition that the petitioner is the best qualified and suitable candidate amongst all other candidates, but the respondent, on erroneous consideration of fact and law, rejected the claim of the petitioner, contending that he is having an Aata Chakki Mill and without proper enquiry, the respondents have selected the private respondent no. 10 for allotment of PDS dealership of Ward No. 1, of Manowar Panchayat who has inferior qualification compared to the petitioner.



3. It is the further contention of the petitioner that the Aata Chakki Mill belongs to his brother who is living separately and in order to substantiate his claim, the petitioner has filed his voter ID Card, Ration Card issued to him and his brothers Sadre Alam and Md. Iliya. He also filed a death certificate of his father dated 15.12.2016, which disclose that his father's death occurred on 08.12.2016. The petitioner prayed to cancel the allotment made to the 10th Respondent and to consider his candidature for allotment of PDS Dealership.

4. A detailed counter affidavit was filed by the Respondent Nos. 4 to 8 alongwith Annexure-A to Annexure H. The counter affidavit denies all the allegations made against the respondents. The counter affidavit disclose that the petitioner, private respondent no. 10, alongwith others, applied for the vacancy under Gram Panchaya, Manowar. The petitioner mentioned in his application form at Serial No. 1 sub clause (5) regarding knowledge of Computer "No". There is specific provision under Clause 9 sub clause (v) of the Bihar Targeted Public



Distribution System (Control) Order, 2016, that the applicants possessing computer knowledge shall be given priority. The Block Supply Officer inquired the application of the candidates, including the application of the petitioner, private respondent No. 10 and others submitted the enquiry report dated 15.07.2018 in a format which disclose that the petitioner does not possess computer knowledge. In the enquiry, the Block Supply Officer found about Aata Chakki, when there is a provision in Clause 11(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 that an owner of a flour mill and his relatives shall be allotted a fair price shop, and in Clause (I) it is mentioned that no fair price shop license shall be granted to more than one member in a joint family. As per the definition of family, the father, mother, brother, brother's wife, husband, wife, son, son's wife and step brother shall come under the membership of family. Thereafter, the Sub-Divisional Officer, Sadar Saharsa, invited objection vide Public Notice Memo No. 1428 dated 10.08.2018, wherein the petitioner filed his



objection against the 10th respondent and other candidates.

The Block Supply Officer inquired into the fact and submitted a report to the Sub Divisional Officer, Sadar, Saharsa. Later, the Sub-Divisional Officer issued notice vide Memo No. 1793 dated 22.09.2018 and also published a provisional merit list dated 22.09.2018.

5. The 10th respondent also filed objection against the petitioner. Later, the Sub Divisional Officer, Sadar, Saharsa, called for a report from the Executive Magistrate, Saharsa. The Executive Magistrate, Saharsa enquired and found an “Aata Chakki” at the residence of the petitioner and submitted a report vide letter no. 2514 dated 24.12.2018. On completion of process, the Sub-Divisional Officer, Sadar prepared a final merit list and, in the light of aforesaid facts and provisions, sent the same vide letter no. 2539 dated 27.12.2018 along with relevant papers to the Additional Collector, Saharsa-cum-District Supply Officer, Saharsa. On the basis of the report of Sub Divisional Officer, Sadar, Saharsa, the District Selection Committee, Saharsa selected the 10th respondent against



the vacancies of unreserved category at Serial No. 35 of the proceeding dated 27.02.2019 and further the Additional Collector, Saharsa-cum-District Supply Officer communicated it vide letter no. 142 dated 06.03.2019. Further the Sub Divisional Officer, Sadar, Saharsa issued license No. 599 of 2019 vide Memo No. 1680 dated 19.07.2019 to the respondent no. 10.

6. Heard the rival contentions of the Learned counsel for the petitioner as well as Learned counsel for the respondents. this Court has called for the original application form of the petitioner. On perusal of the original application form, it is evident at Column No. 1 sub-column (5) where it is written as “Computer Knowledge” against it, the petitioner has specifically mentioned “No”. As per the paper supplied, dealership will be given to the persons who possess computer knowledge. Furthermore, it is admitted by the petitioner that the brother of the petitioner is holding an Aata Chakki Mill. The brother also comes under the definition of family.



7. Therefore, there are no merit in the case of the petitioner, and there is no error or irregularity in order of the respondents for passing/issuing license to the 10th respondent.

8. With the aforesaid discussion, the Writ petition is dismissed as it is devoid of merits.

9. Interlocutory Application(s), if any, shall also disposed of.

10. Original record has been handed over the Learned counsel for the respondents.

(G. Anupama Chakravarthy, J)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.01.2025
Transmission Date	N/A

