

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3365 of 2024

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Babita Kumari, Wife of Shri Krishna Yadav, Resident of Village- Manipur,
Post-Sanda, P.S. Islampur, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate, Nalanda, at Biharsharif.
4. The District Supply Officer, Nalanda, at Biharsharif.
5. The Sub Divisional Officer, Hilsa, District-Nalanda.
6. Komal Kumari Wife of Shri Shashikant Singh Resident of Vilalge and P.O. Ichas, P.S. Islampur, District-Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan, Adv.

For the Respondent/s : Mr. Standing Counsel 9

Mr. Ashutosh Kumar Updhayay, AC to SC-9

Respondent No. 6 Mr. Upendra Prasad Singh, Adv.

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

11 09-04-2025 Heard learned counsel for the parties.

2. The present writ petition has been filed for the
following relief(s):-

“(i) For issuance of an appropriate writ/writs, order/orders, direction/directions, particularly in the nature of writ of Certiorari, for quashing the order dated 02.02.2023 passed by Divisional Commissioner, Patna Division, Patna in BTPDS Control Appeal No. 76-2022, whereby and where under the appeal tiled on behalf of the petitioner has been



rejected.

(ii) For issuance of writ/writs, order/orders, direction/directions particularly in the nature of writ of Certiorari, for quashing the order of District Officer, Nalanda contained in memo no.1140/Aa. dated 21.08.2020 by which the respondent no.6 has been selected for the dealership of the P.D.S. shop against the advertisement no. 01/2017 under Bihar Targeted Public Distribution System (Control) Order, 2016 in the light of letter no. 1222 dated 08.03.2017 issued by the Food and Consumer Protection Department, Bihar, Patna.

(iii) For issuance of writ in the nature of Mandamus, commanding and directing the respondent authorities to select the petitioner for Public Distribution System dealership under Rule Control Order, 2016 Kandica 9(v) as she is most eligible for the said dealership.

(iv) For any other relief/reliefs to which the petitioner is legally entitled to under the law and in the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner has stated that the authority without verification of the qualifications of the Respondent No. 6 has appointed her P.D.S. dealer. It is further stated that the Respondent No. 6 did not enclose the certificates along with her application



and they were inserted subsequently with the connivance of the Staff. Further, learned counsel has stated that the Respondent No. 6 since resigned and as on date the PDS shop is vacant and the beneficiaries have been tagged to another dealer. Learned counsel has therefore prayed this Hon'ble Court to allow the present writ petition.

4. Per contra, the learned counsel appearing on behalf of the respondents-State has stated that the order passed by the Divisional Commissioner is in consonance with the provisions of Control Order and therefore, does not require any interference. However the learned counsel has fairly stated that the Respondent No. 6 has resigned from the PDS shop and as on date the same is vacant.

5. Having regard to the above mentioned facts and circumstances and also taking into account the fact that the Respondent No. 6 has resigned, the present writ petition is allowed duly taking into account that the petitioner is having the requisite qualifications and the Respondent No. 6 has resigned. The impugned order passed by the Divisional Commissioner, Patna Division, Patna dated 02.02.2023 in BTPDS Control Appeal No. 76-2022 is set



aside and the selection made by the District Level Selection Committee under the Chairmanship of the District Magistrate, Nalanda dated 21.08.2020 in Memo No. 1140/Aa is also set aside. The respondents are directed to appoint the petitioner as PDS dealer in respect of Ichhos Gram Panchayat, Block Hilsa, District Nalanda as expeditiously as possibly preferably within a period of four weeks from the date of receipt of this order.

6. With the above directions, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

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