

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15545 of 2018

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Warasat Hussain Khan S/o Md. Wasim Hussain Khan, Resident of Village-Saho, P.S.- Biraul, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
3. The District Magistrate, Darbhanga.
4. District Magistrate-cum-Chairman, Zila Chayan Samiti, Darbhanga.
5. District Supply Officer-cum-Secretary, District Chayan Samiti, Darbhanga.
6. District Co-operative Officer, Darbhanga, Member, District Chayan Samiti, Darbhanga.
7. Additional District Magistrate, Darbhanga-cum-Member, District Chayan Samiti, Darbhanga.
8. Sub-Divisional Magistrate, Biraul, Darbhanga-cum-Member, District Chayan Samiti, Darbhanga.
9. Sub-Divisional Magistrate, Sadar Darbhanga-cum-Member, District Chayan Samiti, Darbhanga.
10. Sub-Divisional Magistrate, Benipur, Darbhanga-cum-Member, District Chayan Samiti, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh
For the Respondent/s : Mr.S.Raza Ahmed -Aag5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 17-07-2025

1. The petitioner has prayed in the Writ petition for the following reliefs:-

(A) A writ in the nature of certiorari or any other appropriate writ/writs, order/orders, direction/



directions quashing the order dated 25.06.18 passed by the respondents by which case of petitioner for his appointment as (Public Distribution System) P.D.S. dealer for Saho Panchayat has been dismissed the same being referred to in annexure-3 of the writ application.

(B) A writ in the nature of a Mandamus or any other appropriate writ/writs, order/orders, direction/directions commanding the respondents to appoint the petitioner as a P.D.S. dealer in the category of physically handicapped person.

(C) To any other relief/reliefs to which the petitioner may be found to be legally entitled too.

2. The brief facts, as culled out from the Writ petition are that, the petitioner has made an application for appointment of a PDS dealer in the District of Darbhanga under the reservation category for physically handicapped persons. The petitioner is 80% handicapped and suffers from spinal traumatic paralysis. His case was supported by a medical certificate issued by the Head of the Department of



Orthopedics, Darbhanga. On 25.06.2018, the respondents came out with a plan that five physically handicapped persons had already been appointed in the Biraul Sub-Division and, as such, the petitioner's case was rejected. On 27.06.2018, the petitioner made a representation before the authority, contending that candidates with lesser percentage of disability had been selected as dealers, and therefore, requested the authority to consider his candidature for appointment as a PDS dealer. Being aggrieved by the action of the respondents, the present Writ petition was filed.

3. A detailed counter affidavit was filed by the respondents, contending that pursuant to the notification, applications were received by the office on 21.06.2017, and thereafter a merit list was prepared and published for inviting objections. After considering the objections received on the merit list, the Selection Committee published the Final List vide Annexure-2, dated 01.09.2017. The counter affidavit further disclose that the Sub-Divisional Officer, Biraul, Darbhanga had issued a roster on 25.07.2017



giving category-wise vacancy details for dealership in the entire sub-division, which included a total of 167 vacancies. The reservation for physically handicapped was fixed at 3%, and accordingly, the authority selected five physically handicapped persons, against the total of 167 vacant shops. After considering the candidature of the petitioner, the Selection Committee rejected his claim vide order dated 25.06.2018 (Annexure-3), on the ground of non-availability of reserved vacancies under the physically handicapped category. Therefore, the respondents prayed for dismissal of the Writ petition.

4. Heard the Learned counsel for the petitioner as well as the learned counsel for the respondents.

5. Upon perusal of the record, it is evident that the respondents have filled up the physically handicapped quota of 3% by appointing five of such persons. It is for the Selection Committee to decide the appointments on the basis of merit while allotting PDS dealership. Admittedly, the respondents have appointed five physically handicapped persons,



and the reasons for selecting those five and rejecting the candidature of the petitioner cannot be interfered as there is no irregularity in the selection process.

6. With the aforesaid observations, the Writ petition is dismissed as it is devoid of merits.

(G. Anupama Chakravarthy, J)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24.07.2025
Transmission Date	

