

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8970 of 2019

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Md. Sarfaraz Alam Son of Md. Nasim Alam, Resident of Village-
Gobargadha, Ward No. 4, Block- Madhepur, P.S. Bheja, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply
Department, Govt. of Bihar, Patna.
2. The District Magistrate-Cum-Collector, Madhubani.
3. The Sub-Divisional Officer, Jhanjharpur.
4. The Block Supply Officer, Madhepura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Akash Chaturvedi, Adv.
For the Respondent/s : Mr.S. Raza Ahmad (AAG5)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 22-09-2025

1. The present Writ petition is filed for
the following reliefs:

*I. For issuance of writ in the
nature of mandamus directing the
respondent specially the Sub-
Divisional Officer, Jhanjharpur who is
the licensing authority to issue license
under the Bihar Public distribution
System to the petitioner as the
petitioner in pursuance to the
advertisement issued for selection as a
PDS dealer was duly selected by the
Selection Committee and his name
appears to be at serial No. 1 in the*



merit list inspite of the same, he has not been granted the license under the Bihar Public distribution System for the reasons best known to the respondent authorities.

II. For issuance of writ in the nature of declaration holding the action of the respondent SDO is wholly arbitrary, illegal, unjustified and unreasonable as neither justifiable reason as such has been assigned by him for non-issuance of PDS license to the petitioner as also the merit list has been duly verified by the superior authority i.e., the District Magistrate, Madhubani and inspite of the same the license under the Bihar Public Distribution System has not been issued.

III. For any other reliefs for which petitioner is found entitled to in facts and circumstances of the present case.

2. It is the contention of the Learned counsel for the petitioner that pursuant to the advertisement published by the Sub-Divisional Officer, Jhanjharpur, dated 10.03.2018, the petitioner applied for selection as a PDS dealer



under the unreserved category in Gadhgaon Panchayat. Thereafter, a provisional merit list was published in which the name of the petitioner figured at serial No. 1. In spite of it, the petitioner has not been granted a PDS license.

3. A detailed counter affidavit was filed on behalf of the respondents. The contents of the counter affidavit disclose that an advertisement was published by the SDO, Jhanjharpur, in a daily newspaper in terms of the provisions of the PDS Control Order, 2016, for the existing vacancies of PDS dealers in the Sub-Division, Jhanjharpur, including Gadhgaon Panchayat. The petitioner applied for the said vacancy under the unreserved category. After scrutiny of documents, a provisional merit list was prepared in which the petitioner figured at serial No. 1. However, in compliance with the order passed by this Court, and the District Magistrate, Madhubani, the licenses of several PDS dealers were revived, including the existing vacancy under the unreserved category in Gadhgaon Panchayat. Pursuant to it, the Sub-



Divisional Officer, Jhanjharpur, vide Memo No. 01 dated 27.02.2019, informed that the existing vacancies in different Panchayats, including Gadhgaon Panchayat under Andhratharhi, Jhanjharpur, Lakhnaur, and Madhepur Blocks, stood affected and requested cancellation of the said vacancies. Further, the Sub-Divisional Officer, Jhanjharpur, vide Letter No. 458 dated 29.12.2020, supplied the list of different existing vacancies, including that of Gadhgaon Panchayat, which could not be filled up due to revival of PDS licenses or grant of licenses on compassionate grounds. In the said list, out of three existing vacancies of Gadhgaon Panchayat, two were filled up on account of revival of PDS licenses either on the direction of this Court or by the District Magistrate, Madhubani, and the remaining vacancy was reserved for Scheduled Caste and was granted on compassionate grounds.

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



5. On perusal of the record as well as hearing the rival submissions of the parties, it is evident that there is no existing vacancy in Gadhgaon Panchayat under unreserved category. Admittedly, the petitioner had applied for the PDS license under the unreserved category, but as of now, there is no such vacancy in Gudhgaown Panchayat as those were filled up by revival of license, pursuant to the orders of this Court. Therefore, nothing remains in the Writ petition for adjudication.

6. In view of the above discussion, the present Writ petition stands dismissed.

(G. Anupama Chakravarthy, J)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	26.09.2025
Transmission Date	

