

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10748 of 2019

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Ramnaresh Prasad @ Ram Naresh Pd. Son of Late Mahabir Ram Resident of Village- Palanwa, Police Station-District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal secretary, Food and Consumer Protection Department, Govt. of Patna.
2. The Principal Secretary, General Administration department, Govt. of Bihar, Patna.
3. The District Magistrate Cum Chairman, District Selection Committee, East Champaran, Motihari
4. The District Supply Officer Cum Member secretary, District Selection Committee, East Champaran, Motihari.
5. The Sub Divisional Officer, Raxaul, District-East Champaran, at Motihari
6. The Block Supply Officer, Raxaul, District-East Champaran, at Motihari.
7. The Amrishi Kumar Son of Late Nanhu Ram Resident of Mohalla-Rajendra Nagar, ward No. 1, P.O.-P.S.-Raxaul, District-East Champaran.
8. Chanda Kumari Wife of Dharmavir Chaudhary R/o bara Pareua, Ward No.1, P.O.-P.S.-Raxaul, District-East Champaran.
9. Anand Kumar Son of Acchelal Sah R/o Tumariya Tola, Ward No.3, P.O.-P.S.-Raxaul, District-East Champaran.
10. Vivek Raut Son of Dilip Raut, R/o Dankan Road, Mishra Colony, Ward No.4, P.O.-P.S.-Raxaul, District-East Champaran.
11. Santosh Kumar Son of Late Shashi Kumar R/o Tumariya Tola, Ward No.4, P.O.-P.S.-Raxaul, District-East Champaran.
12. Md. Akhlakh Son of Md. Habibullah, , P.O.-P.S.-Raxaul, District-East Champaran.
13. Rekha Chaudhary Wife of Ram Babu Chaudhary, R/o Ashram Road, Chaudhary Tola, Ward No. 8, P.O.-P.S.-Raxaul, District-east Champaran.
14. Sonu Kumar Srivastava Son of Binod Kumar Srivastava, R/o Ashram Road, Gandhi Nagar, Ward No. 9, P.O.-P.S.-Raxaul, District-East Champaran.
15. Soni Devi Wife of Rakesh Kumar R/o nagar Road, Kali Mandir, Ward No.11, P.O.-P.S.-Raxaul, District-East Champaran.
16. Salekha Khatoon Wife of Md. Naushad Alam, R/o Bara Pareua, Ward No.16, P.O.-P.S.-Raxaul, District-East Champaran.
17. Akash Kumar Ranjan Son of Laxman ram R/o Bara Pareua, Ward No.17,P.O.-P.S.-Raxaul, District-East Champaran.
18. Mohan Murari Chaudhary Son of Bishwanath Chaudhary, R/o Bara Pareua, Ward No.17, P.O.-P.S.-Raxaul, District-East Champaran.
19. Jitendra Kumar Son of Dayanand Yadav, R/o Block Road, Ward No.18, P.O.-P.S.-Raxaul, District-East Champaran.
20. Manish Raj Son of Sanjay Srivastava R/o Sarvodaya Nagar Chhota Pareua, Ward No. 18, P.O.-P.S.-Raxaul, District-East Champaran.



21. Indu devi Wife of Amit Kumar, R/o Ward No. Mauze, 20, P.O.-P.S.-Raxaul, District-East Champaran.
22. Shiv Shankar Prasad Son of Chhote Lal Prasad R/o Mauze, Ward No.20, P.O.-P.S.-Raxaul, District-Eat Champaran.
23. Rinki Kumari Wife of Vicky Kumar R/o Koiriya Tola, Ward No. 24, P.O.-P.S.-Raxaul, District-East Champaran.
24. Subhash Kumar Kushwaha Son of Shambhu Prasad Kushwaha, R/o Koiriya Tola, Ward No. 24, P.O.-P.S.-Raxaul, District-East champaran
25. Rani Gupta Wife of Vikash Gupta R/o Koiriya Tola, Ward No.25, P.O.-P.S.-Raxaul, District-East Champaran.
26. Sunil Kumar Son f Suresh Prasad, R/o Triloki Nagar, Koiriya Tola, Ward No.25, P.O.-P.S.-Raxaul, District-east Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Adv.
For the Respondent/s : Md. Nadim Seraj (GP-5)

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 07-10-2025

1. The Writ petition is filed for issuance of an appropriate Writ, order, or direction for quashing the entire selection process including the order dated 28.11.2018 issued by the Collector, East Champaran, Motihari for grant of licence under Targeted Public Distribution System inasmuch as the reservation roaster has not been followed in Raxaul Nagar Parishad.

2. Further, to direct the respondent authorities to make fresh advertisement with respect to Raxaul Nagar Parishad after following



the due reservation policy and determining the number of shops in proportion to the population and beneficiaries.

3. The brief facts as culled out from the Writ petition is that the petitioner is a citizen of India and he has no personal interest directly or indirectly in this case. The petitioner himself is a secretary of Raxaul Block Unit of PDS Dealers and his grievance is only limited to ensure that the appointment of PDS dealers shall be made in accordance with the provisions of the Bihar Targeted Public Distribution System (Control) Order, 2016, for which he has filed the present writ petition

4. Pursuant to the advertisement issued by the respondent, several persons applied for PDS Dealership. After scrutiny, candidates were selected by the District Magistrate-cum Chairman Selection Committee, East Champaran, Motihari by his order contained in Memo No. 112 directing to issue license which necessitated the petitioner to approach this Court.



5. The grievances of the petitioner pertains to Raxaul Nagar Panchayat. As per the advertisement, there are 22 vacancies, out of which 5 were notified for general category, 2 for unreserved females, 3 for the Backward Class, 2 for Backward Class Female, 3 for the Extremely Backward Class, 1 for Extremely Backward Class female, 5 for Scheduled Caste and 1 for Scheduled Caste female.

6. As per the Bihar Targeted PDS (Control) Order, 2016, the reservation shall be 16 % for Scheduled Castes, 1% for Scheduled Tribes, 18% for Extremely Backward Class, 12% for Backward Class and 3% for Backward Class Female. However, as per the advertisement 50% shops were reserved for reserved categories and 50% shops were available for the general category.

7. It is the specific contention of the learned counsel for the petitioner that the classification in the advertisement disclose that 15 posts have been reserved for the reserved categories, which is contrary to the reservation



policy prescribed under Clause-6 of Bihar Targeted (Control) Order 2016 and only 3% reservation has been provided to Backward Class female and total 50% reservation has been provided to reserved categories so, out of 22 vacancies, only one post was provided to Backward Class female. Therefore, the petitioner prayed to set aside the advertisement dated 13.12.2017 and consequential selection process including the order dated 28.11.2018.

8. The contents of the Writ petition further disclose that the petitioner had earlier filed CWJC No. 6091 of 2019, which was disposed of on 28.03.2019 by the Division Bench of this Court.

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

10. The order of the Division Bench of this Court passed in **CWJC No. 6091 of 2019** dated 28.03.2019, which reads as follows:-

Heard.

The petitioner in garb of



public interest, questions a public advertisement for initiating a selection process for settlement of dealership. It is an individual interest litigation and cannot be projected in public interest. No reason for indulgence is called for. The petitioner, if so aggrieved, can raise his grievance before the proper forum.

The writ petition is disposed of.

11. The record reveals that pursuant to the orders of this Court, the petitioner again preferred a Writ petition challenging the same public advertisement for initiating the selection process for settlement of dealership in his individual capacity. However, the contents of the Writ petition clearly disclose that the petitioner has no personal interest directly or indirectly in this case. On the other hand, the petitioner claims to be the Secretary of Raxual Block Unit of PDS Dealers and on behalf of the association, he preferred the Writ petition. But the cause title of the Writ petition



does not disclose that the petitioner preferred this Writ petition on behalf of the PDS Dealers of Raxual Block Unit though, the contents of Writ petition disclose. Moreover, the *Vakalatnama* filed by the petitioner clearly disclose that it was filed in his individual capacity and not on behalf of the PDS Dealers Association.

12. Article 226 of the Constitution of India envisages, any individual can file Writ petition if his fundamental rights are infringed or principles of natural justice are violated. In the present case, the petitioner himself claims that he has no personal interest directly or indirectly, neither his fundamental rights are infringed nor the principles of natural justice are violated.

13. In view of the above discussion, the Writ petition is dismissed as it is devoid of merits.

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.10.2025
Transmission Date	

