

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16918 of 2018**

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1. Madhu Rani Sinha W/o Sudhir Kumar Sinha Resident of Village Bhadauni, P.S. Nawada, District Nawada.
  2. Ashutosh Kumar S/o Santosh Kumar Sinha Resident of Village - Bhadauni, P.S. - Nawada, District - Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar through Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Chairman, District Level Selection Committee, District Nawada.
3. The Collector-cum-District Magistrate, Nawada.
4. The Sub Divisional Officer, Nawada.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Vijay Anand, Advocate  
For the Respondent/s : Mr.S. Raza Ahmad- Aag5

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY**  
**ORAL JUDGMENT**

**Date : 01-09-2025**

**1.** The Writ petition is filed on behalf of the petitioners to quash the general public notice dated 21.12.2017 issued by the Sub-Divisional Officer, Nawada for appointment of PDS dealer in Sub-Division of Nawada, Sadar in contravention of Clause-6 (Reservation) of Bihar Targeted PDS (Control) Order, 2016 and as per the said Clause-6 that 50% shops are reserved for General Category whereas rest 50% are for Schedule Caste, Schedule



Tribes Caste, Extremely Backward Castes, Women belonging to Backward Classes. However, in the present case out of total 133 vacancies of PDS shops only 65 shops were allotted to the general category, which is less than 50% quota.

**2.** Heard the Learned counsel for the petitioners as well as the Learned counsel for the respondents.

**3.** During the course of arguments, it is contended by the Learned counsel for the respondents that pursuant to the advertisement 3<sup>rd</sup> party rights were created long back and those parties were not impleaded as respondents in the Writ petition.

**4.** At this juncture, the Learned counsel for the petitioner reported to the Court that a representation had already been made before the District Magistrate, Nawada as well as before the Sub-Divisional Officer, Nawada. However, the said representation is still pending and it was not disposed of.



**5.** On perusal of the entire record, it is evident that the District Magistrate is part of the Selection Committee and therefore, he cannot review his own matter. An alternative remedy is available for the petitioner to file a complaint against the selection of the PDS before the Divisional Commissioner, Gaya. Therefore, the petitioner is at liberty to file a complaint against the said selection before the Divisional Commissioner, Gaya within one month from the date of receipt of this Order and taking into consideration, that the Writ is filed in the year 2018 the Divisional Commissioner shall liberally construe the limitation aspect.

**6.** It is needless to say that without hearing the parties, no order shall be passed by the Divisional Commissioner.

**7.** The petitioners are also directed to file the entire relevant material along with their complaint for proper adjudication, before the Divisional Commissioner. In turn, the Divisional Commissioner after considering the materials on record shall pass appropriate order in accordance with law within



three months from the date of filing of such complaint.

8. With the aforesaid observation, the Writ petition is disposed of.

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

(G. Anupama Chakravarthy, J)

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