

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14697 of 2018

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Ram Sevak Singh, son of Sri Ramvilash Singh, Resident of village-
Murawatpur, PS-Desri, District-Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna
2. The Additional Secretary, Food and Consumer Protection Department, Old Secretariat, Patna
3. The District Magistrate, Vaishali, District -Vaishali
4. The Sub-Divisional Officer-cum-Licensing Authority, Mahnar, District-Vaishali
5. The Block Supply Officer, Sahdei Bujurg, District-Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh
For the Respondent/s : Mr.S. Raza Ahmad- Aag5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 23-07-2025

1. The writ petition is filed for the following reliefs:-

“(I) For issuance of an appropriate writ, order or direction for quashing the Advertisement published in the Hindi daily news paper Hindustan dated 30/6/2018 by the District Magistrate, Vaishali vide PR.No.4422(Food) 2018-19 in the light of the circular issued by the state of Bihar, Food and Consumer Protection Department under the signature of Additional Secretary vide Memo No. Pra



07-Misc.-16/2015-1222 date 8/3/2017 and others whereby and whereunder it has been stated to all the Regional Commissioner/all the District Magistrate to make roster under provision of Bihar Targeted Public Distribution System (Control) Order, 2016 and provision of General Administration Department in which 35% reservation for women has been logically and practically allowed under circular No. 2342 dated 15/2/2016 and to start action for issuance of new P.D.S. licence after publishing advertisement in leading News Papers and informed the same as soon as possible and accordingly made out a Roster for vacancy by the authorities concerned for Mahnar Sub-Division within district of Vaishali for the same contained in Annexure-1 (Series) and further may direct the S.D.O., Mahnar to issue P.D.S. licence in the name of the petitioner and further may to direct the respondents to not issue any fresh P.D.S. licence in Mahnar Sub-Division within the district of Vaishali till final order of this Hon'ble Court.”



2. The brief facts culled out of the writ petition are that the Central Government issued the Public Distribution System (Control) Order, 2001 on 31.08.2001, followed by a similar order by the State Government on 15.02.2007. Based on these provisions, the petitioner applied for a P.D.S. licence, and after due inquiry, he was granted the licence vide Memo No. 246 dated 04.09.2006. An agreement was also executed with the licensing authority as per law. Prior to issuance of licence, the petitioner filed several writ petitions and contempt petitions. Initially petitioner filed C.W.J.C. No. 2231 of 2008 which was disposed off directing the authorities to decide the case within three months, which was not complied with. Subsequently, C.W.J.C. No. 17482/2009, LPA No. 322/2011, C.W.J.C. No. 10570/2011, C.W.J.C. No. 11886/2013 were filed but dismissed either on technical grounds or with liberty to approach the appropriate forum. The petitioner also submitted a representation before the Chief Secretary, Food and Consumer Protection Department, Bihar vide representation letter dated 07.08.2013, pursuant to



it an inquiry was conducted by the BSO Sahdei Bujurg who submitted a report vide letter no. 14 dated 23.01.2014, however, no final decision was taken. Another writ C.W.J.C. No. 5243/2015 was also filed. Further, the State issued a circular dated 08.03.2017 to initiate a fresh process for granting P.D.S. licences with a 35% reservation for women. The impugned vacancies failed to include any unreserved category posts, affecting the petitioner. The petitioner contends that the authorities' actions are arbitrary, unlawful, and in violation of various provisions of the P.D.S. Control Orders (2001 and 2016), particularly with regard to pending cases and the basis for determination of vacancies and reservation allocation. The petitioner challenges the vacancy notification of Mahnar Sub-Division stating that it is not in accordance with the provision of Clause 6(i) and (iii) of the BTPDS and the impugned vacancy and reservation have been published at Sub-Division level by which he has been adversely affected.



3. During the course of the argument, the Learned counsel for the petitioner contended that he would be filing an application before the Divisional Commissioner, challenging the orders of the Selection Committee in selecting private respondent for issuance of the PDS license, and sought liberty to do so.

4. Admittedly, the writ petition was filed to quash the advertisement dated 30.06.2018 and the order passed by the Selection Committee, in selecting private respondent for the PDS dealership. The private respondent is not arrayed as party to the writ application. Without going into the merits or demerits of the case, the petitioner is directed to file the application/complaint before the Divisional Commissioner within one month from the date of receipt of this order. In turn, the Divisional Commissioner shall liberally construe the limitation period as the writ petition itself is filed in the year 2018 and shall pass an appropriate order within two months from the date of filing the application.



5. With the abovesaid observation, the writ
petition shall stand disposed of.

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2025
Transmission Date	

