

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9941 of 2024

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1. Rambha Kumari Wife of Shri Santosh Prasad Resident of Village - Gazadhar Tola, P.O. - Thawe, Police Station - Thawe, District - Gopalganj (Bihar)
 2. Basudeo Baba Jiwika Self Help Group Through its Authorised Representative, Rambha Kumari, an adult female, aged about 33 years, Wife of Shri Santosh Prasad, Resident of Village Gazadhar Tola, P.O. - Thawe, Police Station - Thawe, District - Gopalganj (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Department, Government of Bihar, Patna.
2. The District Magistrate cum Chairman Selection Committee (Supply), Gopalganj.
3. The District Supply Officer, Gopalganj.
4. The Sub Divisional Officer, Gopalganj.
5. The Block Supply Officer, Block- Thawe, Gopalganj.
6. Kumari Sunita Chand Ray @ Kumari Sunita Chandr Rao @ Sunita Devi, W/o Santosh Singh, D/o Rampukar Singh, Resident of village - Bhusaw, P.O. Bhagwanpur, Panchayat- Ekderwa, P.S. Thawe, District - Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Adv. Mr. Kumar Rajdeep, Adv.
For the Respondent/s	:	Mr. Standing Counsel (3)
For the State	:	Mr. S.K. Mandal, Adv. Ms. Neelam Kumar, Adv.
For the Resp. No. 6	:	None

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

7 21-04-2025 Heard the learned senior counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the respondents State.

2. There is no representation on behalf of the Respondent No.6. either in person or through his counsel. This Court vide order dated 15.04.2025 has forfeited the right of the



Respondent No. 6 to file her counter affidavit. However, subsequently it has emerged that the Respondent No. 6 has filed her counter affidavit on 18.01.2025 itself. Having regard to the same, the order dated 15.04.2025 is recalled.

3. Learned counsel for the petitioner is permitted to implead the Divisional Commissioner, Saran Division, Chapra as a party Respondent No. 7.

4. Learned counsel appearing on behalf of the petitioner has stated that the appellate authority i.e. the Commissioner, Saran Division, Chapra without verifying the facts and on an erroneous application of the law has allowed the appeal filed by the Respondent No. 6 herein. Learned counsel has stated that the application made by the petitioner is that of a Self help Group represented by the petitioner. That at the time of application the petitioner was obligated to furnish the name of the group and the details of the nominee/ representative of the said Self help Group. That the authority under a mistaken impression that the application is made by the petitioner herein in her individual capacity has passed the order impugned holding that the Respondent No. 6 herein is having more qualification than the petitioner. Learned counsel has stated that once an application is made by Self help Group, the question of



checking the educational qualifications of the representative of the said Self help Group does not arise. That the authority without verifying the said aspect has passed the impugned order and set aside the selection made by the District Level Selection Committee. Learned counsel has further stated that subsequently the license granted in favour of the Respondent No. 6 has also been terminated and as on date, the PDS dealership is vacant. Further, the Respondent No. 6 has not preferred any appeal or revision against the order of her termination. Learned counsel has, therefore, prayed this Hon'ble Court to set aside the impugned order and pass necessary orders for restoring the license in favour of the self help group represented by the petitioner herein.

5. In the counter affidavit filed by the respondent State, the fact that the petitioner has filed his application as a Self help Group has not been denied. Further, as seen from the record, more particularly the application made by the petitioner as against the name of the applicant, it is clearly written as Basudev Baba Jeevika Self Help Group and the name of the petitioner is shown in the representative capacity only. The application is not in the individual capacity of the petitioner.

6. Having regard to the same, the impugned order



passed by the Respondent No. 2 is set aside. The authorities are directed to restore the license in favour of the petitioner herein forthwith and resume supply of grains.

7. With the above directions, the present writ petition stands allowed to the extent indicated above.

(A. Abhishek Reddy , J)

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