

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14724 of 2024

Sanjeev Kumar, S/o Shree Ajay Prasad, R/o Village Khajwati @ Atiya, P.S.
Magadh University, Bodh Gaya, District Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Bihar
2. The Principal Secretary, Food and Consumer Protection, Bihar, Patna.
3. The Principal Secretary, Food and Civil Supply, Bihar, Patna.
4. The Director, Food and Civil Supply, Bihar, Patna.
5. The Director, Food and Consumer Protection, Bihar, Patna.
6. The Commissioner, Magadh Division, Gaya.
7. The District Magistrate, Gaya.
8. The Additional District Magistrate, Gaya.
9. The District Supply Officer, Gaya.
10. The District Co-operative Officer, Gaya.
11. The Sub Divisional Officer, Sadar, Gaya.
12. The Sub Divisional Officer, Nimchak, Gaya.
13. The Block Development Officer, Bodh Gaya, Gaya.
14. The Circle Officer, Bodh Gaya, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Madhukar Mishra, Adv.
For the Respondent/s	:	Mr.Standing Counsel (12)
		Mr. Kamlesh Kishore, AC to SC 12

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

2 15-09-2025 Heard learned counsel for the parties.

2. The present writ petition has been filed for the
following relief(s):-

*“That, this application is being filed for
proceeding dated 31.08.2018 meeting has held
as District Label Selection Committee headed
by the District Magistrate, Gaya and order*



dated 21.12.2023 passed in Revision Case No. 44/2022 by learned Commissioner, Magadh Division, Gaya and issuance license of Public Distribution System (PDS) dealer shop to the petitioner which is vacant still now for which the petitioner is entitled.”

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner is physically handicapped person who has applied for grant of PDS dealership for the Village Atiya, Bodh Gaya Block. Further it is submitted that the notified vacant shop comes under Roster Point No. 950 which is reserved for the deaf and dumb person belonging to Extremely Backward Class. Learned counsel submits that the authorities ought to have selected the petitioner as there was no other suitable candidate, however they have rejected the claim of the petitioner. Further learned counsel submits that though the Sub-Divisional Officer has recommended the case of the petitioner, the District Selection Committee has not taken the same into consideration and rejected the case of the petitioner. Thereafter the petitioner has approached the Divisional Commissioner but the Divisional Commissioner without considering the issue in a proper perspective has rejected the case of the petitioner. Therefore the petitioner left with no other option has



approached this Hon'ble Court. Learned counsel prays that the impugned order passed by the Divisional Commissioner and also the decision of the District Selection Committee may be set aside and the matter remanded back to the authority concerned for passing fresh orders duly taking into consideration the recommendations made by the Sub-Divisional Officer.

4. Per contra, the learned counsel appearing on behalf of the respondents-State has vehemently opposed the very maintainability of the writ petition and stated that the petitioner is physically handicapped person from his leg whereas the vacant post is for the deaf and dumb person who belong to Extremely Backward Classes. Learned counsel submits that the physically handicapped person cannot be equated with the deaf and dumb person and therefore, rejection of the claim of the petitioner by the District Selection Committee is proper and does not require any re-appreciation. Learned counsel submits that the Divisional Commissioner duly taking into consideration totality of the facts in this case and also the provisions of the Control Order, 2016 has rightly rejected the case of the petitioner. Learned counsel has therefore prayed this Hon'ble Court to dismiss the present writ petition.

5. Admittedly in the present case the petitioner has



applied for grant of PDS license for the Village Atiya, Bodh Gaya Block. It is also not disputed that the said post is reserved for a deaf and dumb person of Extremely Backward Class. The fact also remains that the petitioner is physically handicapped from his leg and he is not a deaf and dumb person, therefore, the contention of the learned counsel for the petitioner that the respondents-authorities ought to have selected the petitioner as he is a physically handicapped is without any legal basis. Admittedly the petitioner is physically handicapped person from his leg and he cannot be equated with a deaf and dumb person belonging to Extremely Backward Class. Having regard to the above, this Court does not find any merit in this case and also no reason to interfere with the reasoned orders dated 21.12.2023 and 31.08.2018 passed by the Divisional Commissioner and also the decision of the District Selection Committee.

6. Accordingly, the present writ petition stands dismissed.

(A. Abhishek Reddy , J)

Bhardwaj/-

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