

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2754 of 2018

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Md. Mohibul Rahman Son of Md. Zainuddin, Resident of Village- Kota
Jamra, Police Station- Barsoi, District- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Food and Consumer Protection Department,
Government of Bihar, Patna.
3. The Additional Secretary, Food and Consumer Protection Department,
Government of Bihar, Patna.
4. The Joint Secretary, Food and Consumer Protection Department,
Government of Bihar, Patna.
5. The Divisional Commissioner, Purnea Division, Purnea.
6. The District Magistrate, Katihar.
7. The Sub-Divisional Magistrate, Barsoi, Katihar.
8. The Sub-Divisional Magistrate, Katihar.
9. The Sub-Divisional Magistrate, Manihari, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Rahmatullah
For the Respondent/s : Mr. S. Raza Ahmad- AAG-5

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

Date : 24-06-2025

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

*(i) For issuance of a writ in the
nature of Mandamus or any other
appropriate writ order/ orders,
direction/ directions for
commanding the respondents to
follow the reservation policy in*



preparation of roster for granting new licence of PDS dealer of the persons with disability and to select the persons with disability as per the Advertisement No. 1 of 2017-18 dated 15.05.2017 and as per the person with Disabilities Act, 2016.

(ii) For issuance of writ of Mandamus or any other appropriate writ/ writs, order/ orders, direction/ directions commanding the respondents to stay the grant of new licence to the candidates with the immediate effect in respect of its advertisement being Advertisement No. 01/2017 dated 15.05.2017 till the disposal of the Writ petition.

2. The Writ petition is of the year 2018 and no interim order has been passed in favour of the petitioner to stay the selection process for PDS dealers.



3. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents-state.

4. The learned counsel for the petitioner specifically contended that the petitioner is a person with a disability, having 90% disability, and that he had applied pursuant to the advertisement dated 15.05.2017. However, the respondents did not select him under the reserved category.

5. Being aggrieved by the same, the present Writ petition has been filed.

6. A detailed counter affidavit was filed by respondent Nos. 6 to 9, which discloses that the petitioner had applied for selection as a Fair Price Shop dealer. The minimum qualification prescribed under Advertisement No. 01 of 2017-18 is matriculation. According to the petitioner's own admission, he has only passed Class 8. Even for persons with disabilities, the prescribed qualification is matriculation. The petitioner passed Class 8 only in 2016, and the advertisement was issued in 2017. Therefore, there is no merit in the writ petition, as



the petitioner does not meet the minimum qualification criteria, and he cannot claim entitlement to the PDS dealership. Accordingly, the writ petition is dismissed as it is devoid of merits.

(G. Anupama Chakravarthy, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
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