

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15711 of 2018

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Chanda Kumari W/o Shrikant Yadav resident of rangakala Post Office Borba,
Police Station - Jhajha, District - Jamui Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Food and Civil Supply Department, Patna
2. District Magistrate cum District Officer Jamui.
3. The Sub Divisional Officer, Jamui.
4. Manju Kumari W/o Gurudayal Yadav resident of Bhikha Post Office - Shaiyha Police Station - Jhajha, District - Jamui Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate
For the Respondent/s : Mr. S.Raza Ahmed -AAG 5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 17-07-2025

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

“..... For the direction to the respondent to appoint the petitioner on PDS Dealer on the basis of Roster/Merit list and to cancel the selection of Manju Kumari who was selected PDS Dealer instead of petitioner. And further prayer is to stay the selection of Manju Kumari on PDS Dealer and to issue appropriate writ/writs, direction/directions as your lordship may deem fit and proper.”



2. At the outset, it is imperative to take note of the relevant background facts and the litigation history between the parties that are germane to the present dispute.

3. The petitioner applied for the post of PDS dealer pursuant to the advertisement dated 27.11.2017 for the district of Jamui. Respondent No. 4 also applied in response to the same advertisement.

4. The petitioner has annexed a copy of provisional merit list (Annexure-3), wherein she was placed at Serial No. 10, and in the final merit list as well, her position remained at serial No. 10. Respondent No. 4 was placed at serial No. 6, despite the fact that the petitioner had secured higher marks in B.A. than the Respondent No. 4.

5. The petitioner submitted an application to Respondent No. 3 requesting for the inclusion of her B.A. marks, which had not been annexed at the time of submission of her application, as the minimum educational qualification required was "Matriculation". She requested that her B.A. marks



to be taken into consideration.

6. The petitioner also filed a complaint before the District Magistrate, Jamui, challenging the grant of the PDS license to Respondent No. 4, who was placed at serial No. 6 in the merit list, for the Jhajha Block under Paregaha Panchayat.

7. The Learned counsel for the petitioner submitted that the appointment of Respondent No. 4 as PDS dealer is contrary to the conditions of the advertisement, particularly Column No. 1, as her younger father-in-law is already a PDS dealer. Therefore, Respondent No. 4 is disqualified from being appointed. It is also contended that the action of the respondent authority is illegal, arbitrary, and mala fide. Hence, the present writ petition is filed.

8. A counter affidavit was filed on behalf of Respondent Nos. 2 and 3. It discloses that the petitioner is not entitled to any relief as claimed in the writ petition. It is averred that, as per the terms of the advertisement, candidates were directed to apply online and upload all relevant documents.



However, the petitioner failed to do so.

9. The counter affidavit further disclose that failure is solely attributable to the petitioner and cannot be ascribed to any action or omission by the authorities. There was no provision for accepting additional documents after the last date of submission. Therefore, the petitioner request for consideration of her B.A. marks, at a later stage is not tenable.

10. Further, the competent authority issued the PDS license to the candidate ranked at serial No. 6 in the merit list (i.e., Respondent No. 4), in accordance with law and established procedure. The allegations made by the petitioner against the respondents are baseless and without substance.

11. The Learned counsel for the respondents also contended that Respondent No. 4 submitted a valid residential certificate at the time of online application. Regarding the allegations in paragraph 10 of the writ petition, it is submitted that the claim that a relative of Respondent No. 4



is a PDS dealer is factually incorrect and artificially created by the petitioner. No person related to Respondent No. 4 holds a PDS dealership, and as such the grounds of disqualification does not arise.

12. The Learned counsel for the respondents argued that the actions of the respondent authorities are legal, proper, fair, and in accordance with the provisions of law.

13. Heard Learned counsel for the petitioner as well as the Learned counsel for the respondents.

14. The Learned counsel for the respondents further submitted that the younger father-in-law of the respondent No. 4 does not fall within the meaning / definition of joint family as per clause 11(i) of the Bihar Targeted Public Distribution System (Control) Order, 2016, which reads as follows:

“11. Disqualifications of getting a fair price shop license

(i) No fair price shop license shall be granted to more than one member in a



joint family. Father, mother, brother, brother's wife, husband, wife, son, son's wife and step brother shall come in the definition of the family."

15. The Learned counsel for the respondents has also submitted about the criteria fixed under the qualification for selection of PDS dealer under Section 9(v) of the Bihar Targeted Public Distribution System (Control) Order, 2016, which reads as under:

"9. *The following facts shall be considered in allotting a fair price shop by the Selection Committee.*

.....

"9(v) *The applicant of a fair price shop's license must be matric pass and an adult;*

Provided that the applicant having computer knowledge shall be given priority. In case of equality in computer knowledge, the applicant having highest qualification and in case of equality in highest qualification also the applicant of older age shall be given priority."



16. The Learned counsel for Respondent No. 4 contended that the objection raised by the petitioner, that Respondent No. 4's younger father-in-law is already a PDS dealer—does not render Respondent No. 4, ineligible for the license. Such a relation is not covered within the definition of "joint family" as prescribed in the Control Order. Therefore, the said objection is not legally tenable.

17. It is further pointed out, that Respondent No. 4 has been operating the fair price shop since 2018, without any complaint or adverse report.

18. Additionally, it has been stated in the counter affidavit that the petitioner's application was incomplete and was rejected on the ground of being improperly filled. This is also supported by the petitioner's own averment in paragraph 6 of the writ petition, wherein she admitted that the marksheet of her B.A. degree was not annexed at the time of application and was sought to be included later.

19. The main allegation against the 4th



respondent is that her younger father-in-law is a PDS dealer. However, the younger father-in-law does not fall under the definition of “family” and the 4th respondent is more qualified than the petitioner as on the date of filing the online application.

20. In view of the aforesaid facts and circumstances, this Court finds no infirmity or illegality in the appointment of Respondent No. 4 as a PDS dealer.

21. Accordingly, the writ petition is dismissed as devoid of merit.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.07.2025
Transmission Date	

