

(1990) 11 PAT CK 0006
In the Patna High Court
Case No : C.W.J.C. No. 2517 of 1990

Raj Kumar

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 21-11-1990

Acts Referred:

Citation : (1990) 11 PAT CK 0006

Hon'ble Judges : S.B. Sanyal, J;Aftab Alam, J

Bench : Division Bench

Advocate : N.K. Agrawal, for the Appellant; S.C. II for State and Ramesh Kumar Agrawal, for the Respondent

Final Decision : Dismissed

Judgement

1. Head learned Counsel for the Petitioner as well as the learned Counsel appearing on behalf of Respondent No. 3 and the State counsel.
2. The main thrust of the argument of the learned Counsel for the Petitioner is that there having been no publication of the intention of appointment of distributors under the Public Distribution System in the newspaper, nine persons have been able to obtain on order of appointment without the same opportunity having been provided to the Petitioner and others.
3. When the case was listed before this Court on 3-5-1990 it was said that nine persons had been appointed because they approached the authorities and there has been no steps taken for calling for applications for such appointments. The Petitioner further contended that he is a Harijan and has a better chance for being appointed.
4. On a perusal of the counter-affidavit it appears that applications were invited and the said advertisement was displayed in the Notice Board of the Supply Department, hitherto the practice followed by the Department. Pursuant to he said notice those nine persons have been appointed as dealers.

5 As far as Respondent No. 3 (Mahender Pd.) is concerned, he was a dealer and he was shifted to a new ward at his own request.

6. It appears that even though 7.5 percent shops were reserved for the Harijans, about 813 percent shops were allotted to Harijans.

7. There is no rule or regulation requiring the advertisement of appointment of a fair price dealer to be published in a newspaper, It, therefore, cannot be said that the mode adopted for appointment of dealers is impermissible It is, however desirable that the publication should be on a wider basis and the authorities in future will look into the matter.

8. However, in this writ petition we find no merit. It is, accordingly, dismissed.