

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22464 of 2014

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Shivnandan Prasad Yadav Son of Late Ganga Prasad Resident of Village -
Kamalpur, P.S.- Govindpur, District - Nawada

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies, Govt. of Bihar, Patna
2. The Principal Secretary, Food and Civil Supplies (Consumer Protection), Govt. of Bihar, Patna
3. The Commissioner, Magadh Division, Gaya
4. The District Magistrate, Nawada
5. The Sub Divisional Officer, Rajauli, Dist. Nawada
6. The Block Supply Officer, Govindpur, Dist. Nawada
7. The Marketing Officer, Govindpur Anchal, Public District System, Bihar State Food and Civil Supply Corporation, Nawada
8. Sri Umesh Prasad Yadav, son of Bundi Prasad, Vill. Bishunpur P.S. Govindpur, District Nawada.
9. The District Co-Operative Officer, Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv
For the Respondent no. 8 : Mr. Arun Kumar No. 8, Adv
For the Respondent/s : AAG 1

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 13-08-2018

The main writ petition has been filed for a direction to the concerned respondents not to issue licence of Public Distribution System to the private respondent no. 8.

I.A. No. 169 of 2015

2. This interlocutory application has been filed for amendment of the writ petition by adding the following prayers –



i) To quash the memo no. 2060 dated 09.12.2014 issued under the signature of Sub Divisional Officer, Rajauli as also to quash the recommendation/information of the District Co-operative Officer, Nawada vide letter dated 14.01.2014.

(ii) For allowing the petitioner to implead the District Co-operative Officer, Nawada as party respondent no. 9.

3. Having regard to the nature of the prayer, the interlocutory application is allowed and the same shall be treated to form part of the writ petition. Learned counsel for the petitioner is permitted to make necessary amendment in the array of parties, in course of the day.

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4. Learned counsel for the petitioner invites reference to Clause 2.6 of the PDS Control Order 2001 and submits that the respondent no. 8 has since been granted PDS licence as Chairman of the PACS, who was however ineligible as his wife is a member of the Panchayat Samiti. A representation has been filed on 10.11.2014 before the District Magistrate, Nawada (Annexure-3), but the licence was thereafter granted to the respondent no. 8

5. Learned counsel for the State as well as the private respondent no. 8 appear and have been heard.

6. Having regard to the nature of the grievance of the petitioner, who was the erstwhile Chairman of the PACS, this Court is of the view that the ends of justice will be met if the petitioner is granted liberty to file a fresh representation before the District Magistrate, Nawada for redressal of his grievance. If any such representation is filed within two weeks from today, the same shall be



considered and disposed of on its own merit after grant of opportunity to the concerned parties in accordance with law expeditiously and preferably within a period of six weeks thereafter.

7. The writ petition stands disposed of.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.08.2018
Transmission Date	NA

