

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11951 of 2018

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Kundan Kumar Jaiswal, Son of Sri Arun Kumar Jaiswal, Resident of Ward No.12,
Koshi Road, P.S.- Supaul, Town and District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food, Commerce and Consumer Affairs, Old Secretariat, Patna.
2. The Deputy Director, Food and Civil Supplies, Koshi Division, Saharsa.
3. The District Magistrate, Supaul, District- Supaul.
4. The District Supply Officer, Supaul, District- Supaul.
5. The Sub-Divisional Officer-cum-Licensing Authority, Supaul, District- Supaul.
6. The Block Supply Office, Supaul, District- Supaul.
7. The Sub-Divisional Public Grievance Redressal Officer, Supaul, District- Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Agrawal, Adv.
For the Respondent/s : Mr. Kumar Manish, Adv.
For the State : Mr. U.P. Singh, AC to SC-4

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 31-07-2018

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner challenges the order dated 30.05.2018 passed by
the Sub-Divisional Public Grievance Redressal Officer, Supaul as the
petitioner's grievance has been treated as a public grievance under the
Bihar Right to Public Grievance Redressal Act, 2015 (hereinafter
referred to Act, 2015) and sent by the respondent no. 3, the District



Magistrate, Supaul District-Supaul to the grievance cell when no complaint was made by the petitioner before the Grievance Redressal Cell.

Learned counsel for the petitioner submits that the said order dated 30.05.2018 is wholly without jurisdiction and bad in law as the petitioner was not a complainant before the Grievance Cell and the order has been passed rejecting the claim of the petitioner by the Grievance Cell on the behest of the District Magistrate.

Petitioner had earlier approached this Court in C.W.J.C. No. 12481 of 2015 for disposing of his application for granting PDS licence which had not yet been finalized. This Court by order dated 04.08.2017, directed the District Magistrate to finalize the matter with regard to the advertisement published for appointment of PDS dealer within three months from the date of receipt/production of a copy of this order. Petitioner represented before the District Magistrate along with a copy of the order of this Court on 30.08.2017. The District Magistrate directed the Licensing Authority to look into the matter by its letter dated 15.09.2017. When no order was passed, the petitioner again represented before the District Magistrate on 07.12.2017. The District Magistrate, thereafter, sent the complaint of the petitioner to the Public Grievance Redressal Cell and it is the order passed by the Public Grievance Redressal Cell which the petitioner has challenged.



Although the petitioner was not a complainant as defined under the Act 2015 before the Public Grievance Redressal Cell, no order could be passed by the said Redressal Cell. From perusal of the records, it appears that order of this Court has not been yet dealt with by the Licensing Authority or the District Magistrate. Hence, the order passed by the Public Grievance Redressal Cell Officer, Supaul dated 30.05.2018 as contained in Annexure-13 is not in accordance with law and is set aside.

Since the petitioner was an applicant of earlier advertisement dated 08.01.2010 as contained in Annexure-1 and in spite of the orders passed by this Court, no action has been taken and the petitioner was made to move from pillar to post the application filed by the petitioner will be taken into consideration by the respondent authorities in the new advertisement so issued.

However, this order will not be treated as a precedent.

Writ application is disposed off with the aforesaid observations.

(Nilu Agrawal, J)

Devendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2018
Transmission Date	NA

