

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.386 of 2019

=====

Rakesh Das, male, age 23 years, son of Bachchan Das, resident of village-Sawangiya, ward no.1, P.O-Sawnagiya, P.S.-Chakiya, District-East Champaran. (Motihari).

... .. Petitioner/s

Versus

1.The State Of Bihar through Principal Secretary. Food and Supply Department, Govt. of Bihar, Patna.
2.The District Magistrate-cum-Collector, East Champaran, District-Motihari.
3.The Sub-Divisional Officer, Pakridayal, District-East Champaran, Motihari.
4.Pramesh Ram, Male, age 23 years, son of Nageshwar Ram, R/o Village-Sawnagiya, P.O, Sawnagiya, District-East Champaran, Motihari.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Sumeet Kr. Singh, Adv.
For the Respondent/s : Mr.Alok Ranjan, AC to AAG 5.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-02-2019 Learned counsel for the petitioner is directed to add the private respondent as party respondent no.4 in course of the day.

Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner in the present case is seeking a writ of mandamus directing respondent no.2 and respondent no.3 to consider the case of the petitioner for grant of license of Public Distribution Shop.

Learned counsel for the petitioner submits that in the list of the candidates prepared for the Sub-Division in question, the name of the petitioner has been shown at Serial No.2 by



wrongly recording the Date of Birth as 20 years. In this connection he has relied upon the School Leaving Certificate available on the record as Annexure '3 Series' showing that the Date of Birth of the petitioner recorded therein is 12th December, 1994, meaning thereby, that in the year, 2017 when he had applied for the license, his age was nearly 23 years. Learned counsel submits that by recording a wrong age of the petitioner, the petitioner has been placed at Serial No.2. It is further submitted that in CWJC No.1131 of 2019, this Court has at the interim stage while issuing notice to the private respondent directed that no licence shall be issued to the private respondent and in case the licence has been issued the same shall not be operated. In the said case, the submission of the petitioner was that the private respondent was not possessing the computer knowledge, still she was given precedence to the petitioner of the said case.

On the other hand, learned counsel representing the State submits that in the given facts and circumstances of the case, it appears that petitioner has already submitted his objection with the Sub-Divisional Officer, Pakridayal, East Champaran, Motihari vide Annexure '4' to the writ application, therefore, the said authority may be directed to look into the



objection of the petitioner and take a decision thereon before granting license to the private respondent. It is further pointed out that the Public Distribution Shop Control Order, 2016, provides for an appeal if any person is aggrieved by an order of the licensing authority denying the issuance or renewal of the licence to him. It is further submitted that there is no reason why a writ application be entertained for this reason at this stage.

Having heard learned counsel for the petitioner and learned counsel representing the State as also on perusal of the records, this Court finds that the petitioner has already submitted his objection with the Sub-Divisional Officer, Pakridayal, East Champaran, Motihari. Learned counsel for the petitioner submits that he is not aware whether licence has been issued to the private respondent at this stage. It further appears from the document enclosed in the writ application that the list in which the name of the petitioner appears at Serial No.2 is a mere list of the candidates of the Sub-Division but the same seems to have been taken wrongly for the merit list.

Be that as it may, in the facts of the present case, this Court instead of keeping the matter pending before this Court thinks it just and proper to direct the Sub-Divisional Officer, Pakridayal, East Champaran, Motihari to look into the grievance



of the petitioner, verify the contentions of the petitioner and then take an appropriate decision thereon within a period of 90 days from the date of receipt/production of a copy of this order. It is made clear that in case the order of the Sub-Divisional Officer is likely to effect the private respondent, an opportunity of hearing shall be made available to her also.

The application stands disposed of, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

U			
---	--	--	--

