

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.457 of 2019

=====

Juhi Devi, Wife of Manishankar Sah, residents of Village- Sarari, Anchal-
Mohanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The District Supply Officer, Samastipur.
5. The Sub Divisional Officer, Patori.
6. The Block Supply Officer, Patori, Samastipur.
7. Kumari Punam Puja, Wife of Rajiv Kumar, resident of Village- Sarari, Mohanpur, Patori, Samastipur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Anand Kumar Ojha, Advocate Mr. Ashok Kumar Karna, Advocate Mr. Amit Kumar Singh, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad , AAG-5 Mr. Alok Ranjan, AC to AAG-5

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner and the respondents.

The petitioner is aggrieved by the decision granting PDS licence in favour of respondent no.7.

Manifold submissions have advanced by Mr. Anand Kumar Ojha. He submits that the remedy under Article 226 is more efficacious remedy than the alternative statutory remedy. He contended that the remedy of appeal is available, but that will amount to an appeal from caesar to caesar, as the Collector is the Chairperson of the District Level Selection Committee,



which decided in favour of respondent no.7.

When the statute provides in built mechanism for redressal of the grievance in the nature of appeal, the authority vested with the power to decide the appeal are expected to act impartially. Impartiality and due application of mind in decision making process by quasi judicial authority is a sine qua non.

The Court in the peculiar facts of the case is of the view that it would be appropriate that the petitioner may approach the appellate authority, namely, the District Magistrate, Samastipur by filing appeal and on filing such appeal the District Magistrate, Samastipur is expected to decide the appeal on its own merit without being influenced by any of the discussions or observations of the District Level Selection Committee. The District Magistrate, Samastipur is required to assign the reason for taking decision on the appeal preferred by the petitioner. The District Magistrate, Samastipur is also required to hear respondent no.7 before taking final decision.

The Court hopes and trust that the District Magistrate shall decide the appeal within the statutory period of 60 days.

The writ application stands disposed of.

(Anil Kumar Upadhyay, J)

uday/-

U			
---	--	--	--

