

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3638 of 2019

Chhote Lal Das, Male, aged about 27 years, Son of Jagan Das, Resident of Village Jaipura, Ward No.1 Under Gram Panchayat Maura Kabiya, Block and Police Station-Maura Kabiya, District-Madhepura.

... .. Petitioner

Versus

1. The State Of Bihar through the Secretary Food and Consumer Protection, Department, Government of Bihar, Patna Having his Office Old Secretariat, P.O.-Sachivalay, District-Patna.
2. The Special Secretary food and Consumer Protection, Department, Government of Bihar, Patna Having his Office old Secretariat, P.O.-Sachivalay, District-Patna
3. The Director, Food and Consumer Protection, Department, Government of Bihar, Patna Having his office Old Secretariat, P.O.-Sachivalay, District-Patna
4. The Member Secretary, Food and Consumer Protection, Department, Government of Bihar, Patna Having his office Old Secretariat, P.O.-Sachivalay, District-Patna
5. The Additional Secretary, Food and Consumer Protection, Department, Government of Bihar, Patna having his Office Old Secretariat, P.O.-Sachivalay, District-Patna
6. The District Magistrate Cum Chairman of District Level Selection Committee, Madhepura Bihar
7. The District Magistrate Cum Chairman of District Level Selection Committee, Supaul
8. The District Supply Officer Cum Secretary District Level Selection Committee, Madhepura
9. The Sub Divisional Officer Cum Member District Level Selection Committee, Madhepura
10. The Sub Divisional Officer Cum Member District Level Selection Committee, Supaul Bihar
11. The Marketing Officer, Madhepura Bihar
12. The Marketing Officer, Supaul Bihar
13. The District Cooperative Officer Cum Member District Level Selection Committee, Madhepura Bihar
14. The Deputy Collector Land reforms , Madhepura Bihar
15. The Deputy Collector Land reform, Supaul Bihar
16. The Block Development Officer, Maura Kabiya, Block District-Madhepura Bihar
17. The Block Development Officer, Triveniganj, Block, District-Supaul Bihar
18. The Circle Officer, Maura Kabiya, District-Madhepura Bihar
19. The Circle Officer, Triveniganj, District-Supaul Bihar



20. The Block Supply officer Maura Kabiya, District-Madhepura Kabiya, District-Madhepura
21. Sajjan Das, Son of Gulab Das Resident of Village-Maheshuwa, Tola-Jaipura, Ward No.2, Block-Maura Kabiya, Police Station-Maura Kabiya, District-Madhepura

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Shekhar Kumar Singh
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-07-2019 The grievance of the petitioner in the present case is against the order dated 22.09.2018 issued by the District Level Appointment Committee under the Chairmanship of District Magistrate, Madhepura by which the provisional selection list of the PDS dealer of the Gram Panchayat – Maura Kabiya in Block – Shankarpur, District – Madhepura has been issued. He is further aggrieved by the selection of respondent no. 21 for the grant of PDS shop license, as according to the petitioner, the respondents are not following the guidelines framed by the Food and Consumer Protection Department, Government of Bihar for allotment of foodgrains, oil etc. It is his further case that the godown land of the private respondent is outside Maura Kabiya village whereas the godown of the petitioner is situated in Maura Kabiya, but on the basis of a wrong



inquiry report submitted by the Marketing Officer, Madhepura the respondent no. 21 has been selected virtually through a back door entry method. It is submitted that as per the guideline the godown land must be in the same village.

Learned counsel for the State submits that these are the administrative issues and may be better addressed if the District Magistrate, Madhepura, is directed to look into the grievance of the petitioner and even though the grievance is against the decision of the District Level Selection Committee of which the District Magistrate is the Chairman, considering Rule 32 of the Bihar Targeted PDS (Control) Order, 2016, the District Magistrate is still competent to look into the grievance of the petitioner take a decision thereon.

In the given facts and circumstances of the case, considering that the dispute raised by the petitioner with regard to the location of the land of the godown of the private respondent which according to him is not in the village Maura Kabiya and that it may be better addressed by the District Magistrate, Supaul taking note of the



materials available on the record as also in the nature of the submissions made on behalf of the State, this court directs the District Magistrate to look into the grievance of the petitioner, examine the same and take an appropriate decision thereon within a period of 60 days from the date of receipt/production of a copy of this order.

This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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