

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3896 of 2019

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Kamlesh Choudhary S/o Bishwanath Choudhary, Resident of Village Athari,
P.S Runnisaidpur District Sitamarhi. Petitioner

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna
2. Principal Secretary Food and Consumer Protection Department, Government of Bihar, Patna
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur
4. The District Magistrate, Sitamarhi, District Sitamarhi
5. The Sub Divisional Officer, Sitamarhi, District Sitamarhi
6. The Block Development Officer, Runnisaidpur, District Sitamarhi
7. The Block Supply Officer, Runnisaidpur, District Sitamarhi,
8. Lalita Devi w/o Sushil Ram, Resident of Village Athari Bhara Tola, P.S. Runnisaidpur, District Sitamarhi

... .. Respondents

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-07-2019 Petitioner in the present case is aggrieved by the selection of respondent no. 8 as PDS dealer under the Bihar Targeted PDS (Control) Order, 2016 (hereinafter referred to as 'the Control Order, 2016). It is submitted that the petitioner is better qualified person and respondent no. 8 being less meritorious having no computer qualification could not have been appointed.

Learned counsel for the State submits that if the petitioner is aggrieved by the selection of respondent no. 8 and is claiming his selection in her place, he could have made an application in terms of Rule 32 of the Control Order, 2016 before the District Magistrate, Sitamarhi (Respondent No. 4), however,



from the writ application it does not appear that the petitioner has raised any objection before the District Magistrate, Sitamarhi and it appears that he has directly moved this Court in its writ jurisdiction.

In the given facts and circumstances of the case, after going through the statements made in the writ application this Court finds that the petitioner has moved directly before this Court complaining against the selection of respondent no. 8. He has, however, not moved before the District Magistrate, Sitamarhi who is competent authority under Rule 32 of the Control Order, 2016, therefore, liberty is being granted to the petitioner to move an appropriate application before the District Magistrate (Respondent No. 4) within a period of 30 days from today and in case such an application is filed, the District Magistrate, Sitamarhi (Respondent No. 4) shall consider the same and will pass an appropriate order thereon after hearing all concerned within a period of 90 days from the date of receipt/production of a copy of this order.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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