

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4665 of 2019

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Anshu Devi aged about 23 years, Female, Wife of Deepak Kumar Chaurasia
R/o Village Bhagwanpur, P.S. Bhagwanpur, District Kaimur at Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar Through Special Secretary of Food and Consumer protection Department, State of Bihar, Patna.
2. The District Magistrate cum President of District Selection Committee, Kaimur at Bhabua
3. District Supply Officer, Kaimur at Bhabua.
4. Assistant District Supply Officer, Kaimur at Bhabua.
5. Sub-Divisional Officer, Bhabua, District Kaimur at Bhabua.
6. Block Supply Officer, Bhagwanpur, Kaimur at Bhabua.
7. Anita Kumar Wife of Dileep Kumar R/o village Bhagwanpur, P.S. Bhagwanpur, District Kaimur at Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-07-2019 Petitioner in the present case is contesting the grant of Public Distribution System Shop licence to respondent no. 7 on the ground that she was a computer qualified candidate by virtue of her computer knowledge which she possessed after doing a twelve months course. It is not in dispute that the private respondent is having computer educational qualification being a graduate and also possesses computer knowledge having done her diploma in computer application which is a six months course.



The petitioner has also relied upon the certificates of the Mukhiya and Up-Mukhiya to say that husband of the private respondent is running a flour mill.

Learned counsel for the State submits that these are the matter of facts which cannot be gone into in the writ application and further that the petitioner has a statutory remedy available in terms of Clause 32 of the Bihar Targeted P.D.S. (Control) Order, 2016 (hereinafter referred to as the “Control Order, 2016”) by preferring an appeal before the Collector, hence, no interference may be required by this court in it’s writ jurisdiction.

Having heard learned counsel for the petitioner and the State, this court is of the considered opinion that so far as the knowledge of computer is concerned, doing a twelve months course or six months course is not an important issue because in terms of the advertisement computer knowledge is required for the purpose of preference. So far as the allegations that the husband of the private respondent is running a flour mill is concerned, the same being a pure question of fact this court cannot go into the same. Petitioner, if so advised, may seek her remedy in appeal under Clause 32 of the Control Order, 2016.

Learned counsel for the petitioner has informed this



court that the petitioner has earlier filed an application before the District Magistrate, Kaimur at Bhabhua, if it is so, let the same will be treated as appeal on behalf of the petitioner and the District Magistrate shall consider the same after giving an opportunity of hearing to all concerned. The appeal will be disposed of within a period of 90 days from the date of receipt/production of a copy of this order.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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