

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.761 of 2019

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Birendra Kumar Singh, Son of Bishnudhari Singh, Resident of Village- Sikiyaha, Ward No. 11, Post Office- Bhatni, Block and Anchal- Kumar Khand, Police Station- Kumar Khand, District- Madhepura.

... .. Petitioner

Versus

1. The State Of 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.
7. The District Supply Officer cum Secretary District Level Selection Committee, Madhepura.
8. The Sub Divisional Officer cum Member District Level selection Committee, Madhepura.
9. The Marketing Officer, Madhepura.
10. The District Cooperative Officer cum Member District Level Selection Committee, Madhepura.
11. The Deputy Collector Land reform, Madhepura.
12. The Block Development Officer, Kumar Khand Block, District- Madhepura.
13. The Circle Officer, Kumar Khand District- Madhepura.
14. The Block Supply Officer Kumar Khand District- Madhepura.
15. Sumit Kumar, Son of Om Prakash Singh, Resident of Village- Sikiyaha, Ward No. 11, Post Bhatni, Block and P.S.- Kumar Khand, District- Madhepura.

... .. Respondent/s

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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

3 01-08-2019 This writ application has been preferred for issuance of writ of certiorari to quash and cancel the impugned Memo dated 22.09.2018 as contained in Annexure '4' to the writ application by which the District Level Selection Committee under the Bihar Targeted P.D.S. (Control) Order, 2016 (hereinafter referred to as the "Control Order, 2016") has issued a provisional selection list for grant of licence.

Learned counsel for the petitioner submits that now final selection has also been made whereunder the private respondent no. 15 has been selected.

In the writ application disputes have been raised with respect to the place of godown which had been made available by respondent no. 15 and that the petitioner being elder in age he should have been given priority in terms of the guidelines.

Learned counsel for the State submits that in the given facts and circumstances it would have only appropriate that the entire matter be examined by the District Magistrate (respondent no. 6), Madhepura afresh and a decision be taken thereon after hearing all concerned.

Learned counsel for the petitioner submits that the petitioner has already represented before the District Magistrate



vide Annexure '3'. Learned counsel then submits that he would prefer an appeal in terms of Rule 32 of the Control Order, 2016 before the respondent no. 6 within a period of 30 days from today.

In the given facts and circumstances of the case, the writ application is being disposed of with liberty to the petitioner to file an appropriate appeal before the District Magistrate, Madhepura (respondent no. 6) within a period of 30 days from today.

If such an appeal is preferred the same will be considered and disposed of within 90 days on receipt thereof, and after hearing all concerned, a reasoned order in this respect will be communicated to the petitioner immediately thereafter. All contentions are left open to the petitioner.

The writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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