

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5263 of 2019

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Md. Alauddin, Son of Abdul Majid Mansuri, R.O - Village - Jhapaha, ward
no. 14, P.S - Parishar, District - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar Patna
2. The Managing Director Food and Civil supply Corporation Bihar Patna
3. The Joint Secretary Food and Public Distribution Department, Bihar Patna
4. The Collector Sitamarhi
5. The Distt. Marketing Officer Sitamarhi
6. The S.D.O, Sitamarhi Sadar Sitamarhi
7. The B/D.O, Parihar Parihar
8. The Marketing Officer Parihar
9. Hamrendra Nayak, Son of Ram Swarth Nayak, R/O - Village - Jhapaha, ward no 14, P.S. - Parihar, Distt - Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rang Nath Pandey, Adv.
For the State	:	Mr.Md. Anisul Haque, AC to AAG-5
For the BSFC	:	Mr. Niraj Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-11-2019 Heard learned counsel for the parties.

Petitioner in the present case is aggrieved by and dissatisfied with the grant of public distribution system shop licence to private respondent no.9 by ignoring the candidature of the petitioner. On several grounds, he is contesting the appointment and in this regard he has submitted a representation, as contained in Annexure-6 to the writ application, with the District Magistrate, Sitamarhi.



Today, a counter affidavit has been filed on behalf of the respondents. In the counter affidavit, no statement has been made as to whether any decision has been taken on the objection preferred by the petitioner.

Learned counsel for the State submits that in terms of Rule 32 of the Bihar Targeted PDS (Control) Order, 2016 (hereinafter referred to as the 'Control Order of 2016'), it is the Collector, Sitamarhi (respondent no.4) who is the appellate authority and in case the petitioner has submitted any representation before the respondent no.4, the same may be considered and an appropriate order may be passed thereon.

In the given facts and circumstances of the case where the petitioner has already preferred his objection with the Collector, Sitamarhi and the same has not yet been considered and disposed of, this Court directs the Collector, Sitamarhi (respondent no.4) to consider the representation of the petitioner, treat the same as an appeal in terms of Rule 32 of the Control Order of 2016 and pass an appropriate order thereon after hearing the petitioner as well as the private respondent no.9. Let the whole exercise be completed within a period of three months 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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