

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7919 of 2019

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Shashi Kumar, aged about 54 years (Male), Son of Shyam Bihari Singh R/o Village and P.O.-Panda Bigha, P.S.-Main Belaganj, District-Gaya.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food Supply and Consumer Protection Department, Govt. of Bihar, Patna
2. The Addl. Secretary Food Supply and Consumer Protection Department, Govt. of Bihar, Patna
3. The Divisional Commissioner Magadh Division, Gaya
4. The District Magistrate Gaya
5. The District Supply Officer Gaya
6. The Sub Divisional Officer (Supply) Sadar, Gaya
7. The Marketing Officer Belaganj, Gaya
8. The Block Supply Officer Belaganj, Gaya
9. Sri Nityadev Prasad (Male) S/o Sri Sahja Prasad R/o Village-Amarsi Bigha, P.O. Panda Bigha, P.S. Main (Belaganj), Gaya.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Binod Kumar, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal (SC4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-06-2019 This petitioner is aggrieved by the order dated 26.02.2019 issued by the District Level Selection Committee, Gaya whereby and whereunder the respondent no. 8 has been selected as dealer of Public Distribution System Shop in Koriyama in village Panda Bigha. The petitioner prays for quashing of the selection of respondent no. 8 and grant of license in his favour with other consequential benefits.

Learned counsel for the State points out that in terms of Rule 32(iii) of the Bihar Targeted PDS (Control) Order, 2016,



the petitioner has a statutory remedy available by filing an appeal before the District Officer within 30 days from the date of receipt of the order.

In view of the alternative statutory remedy available to the petitioner, this court is not inclined to exercise its extraordinary writ jurisdiction at this stage. The petitioner, if so advised, may prefer statutory appeal within a period of 30 days from today before the District Officer, Gaya.

If such an appeal is preferred within the prescribed period, the same will be considered by respondent no. 4 in accordance with law on its own merit and it is expected that respondent no. 4 shall dispose of the appeal within the statutory period.

In case any question of limitation arises, the same will be considered keeping in mind that the petitioner was pursuing his remedy before this court under bonafide relief.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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