

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15239 of 2019

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Sushila Sinha W/o Uday Narayan Singh, Resident of Village-Shahpur
Chintamani, P.S. Hathouri, Dist.-Samastipur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate, Cum Collector, Samastipur.
3. The District Supply Officer, Dist.-Samastipur.
4. The Sub Divisional Officer cum Licensing Authority P.S. Rosera, Dist.-Samstipur.
5. The Block Supply Officer, Shivajinagar Police Station-Shivaji Nagar, Dist.-Samstipur.
6. Pinki Kumari W/o Amar Nath Kumar, Resident of Village-Sahpur Chintamani, P.S.Hathouri, Dist.-Samastipur.

.. ... Respondents

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Appearance :

For the Petitioner/s : Mr.Yogesh Kumar, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-07-2019 Let the defect be ignored.

Petitioner in the present case is seeking setting aside of Annexure '6' by which the name of respondent no. 6 has been recommended for grant of license of Fair Price Shop for Bhataura Panchayat. It is the claim of the petitioner that the petitioner is more meritorious, however, in course of argument learned counsel for the petitioner has not placed any material before this Court to demonstrate that how the petitioner is more meritorious. It is the case of the petitioner that the Self Help Group of which the petitioner is the Secretary and made the application for grant of license and in terms of the policy



decision and guidelines for grant of the said license the Self Help Group was required to be given preference.

Learned counsel for the State submits that from the statements made in the writ application and the material disclosed therewith, it appears that certain requirements were called for from the Self Help Group on 21.04.2018 vide Annexure '8' to the writ application.

It is submitted that in case the petitioner demonstrates that without considering her documents which she claims to have submitted with the licensing authority, any final decision has been taken then she has a remedy for filing an appeal against the decision of the licensing authority before the District Magistrate-cum-Collector, Samastipur (Respondent No. 2).

Having heard learned counsel for the petitioner and the State and on perusal of the records it appears that the petitioner is aggrieved by the merit list prepared by the licensing authority and then the name of the respondent no. 6 has been recommended for grant of license of Fair Price Shop. Annexure '6' to the writ application is said to be a photocopy of relevant extract of selection and recommendation letter, however, on perusal of Annexure '6' it is not clear that it is a recommendation and selection letter, even if it is a



recommendation of the licensing authority to the District Level Selection Committee, this Court is of the considered opinion that the petitioner may raise an objection against the said recommendation and selection in accordance with the provisions of the Bihar Targeted P.D.S. (Control) Order, 2016 (hereinafter referred to as the 'Control Order, 2016) and in case final selection has already been made, the petitioner has a remedy available under Clause 32 of the Control Order, 2016 by filing an appeal before the District Magistrate, Samastipur (Respondent No. 2).

In the aforesaid view of the matter, there is no reason for this Court to exercise its extraordinary writ jurisdiction. Petitioner if so advised may seek her remedy under the Control Order, 2016 before the appellate authority. In case petitioner applies for the same within a period of 30 days from today, the same shall be considered and a reasoned order shall be passed after hearing all concerned by Respondent No. 2 within a period of 90 days from the date of the submission of the application.

The writ application stands disposed off.

(Rajeev Ranjan Prasad, J)

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