

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11617 of 2019

=====

Smt. Jyoti Devi W/o Sushil Mandal Resident of Village Aurahi Purab P.O. and
P.S.- Simraha, Anchal Forbisganj, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Commissioner food and civil supplies department government of Bihar, old Secretariat building Harding Road, Patna-1.
2. The District Magistrate Araria.
3. District Supply Officer Araria.
4. The Sub Divisional Officer Forbisganj, Araria.
5. Bibi Saheda Parveen W/o Md. Tarwej Resident of Village Haldia, Panchayat Aurahi Purab, P.S. and P.O.- Simraha, District- Araria.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Madhav Roy, Advocate
For the Respondent/s : Mr. AC to SC 4

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-07-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner in this case is aggrieved by the selection of private respondent no. 5. It is the grievance of the petitioner that Bibi Saheda Parveen (respondent no. 5) had not enclosed any certificate of computer knowledge with her application but later on by conducting special examination she was allowed to be selected. Her computer knowledge certificate was taken on record much after expiry of the period fixed for submission of the application form.

Learned counsel for the petitioner submits that it is an



apparent case of favour shown to private respondent no. 5 and therefore, her selection is liable to be held bad in law. It is submitted that the application of the private respondent no. 5 was not in the prescribed format.

Learned counsel for the State submits that the matter would require a finding of fact to be recorded by the competent authority. It is submitted that under Clause 32 of the Bihar Targeted P.D.S. (Control) Order, 2016 the District Magistrate even though he is the Chairman of the District Level Selection Committee has got statutory power to hear an appeal against the decision of the District Level Selection Committee. It is submitted that the District Magistrate being a responsible officer and a statutory authority under the Act is likely to act reasonably and even if it is found that the decision of the District Level Selection Committee of which he is the Chairman is wrong, there is no reason why he would not take a different view as a statutory authority.

Considering the aforesaid facts and circumstances, particularly the view that the District Magistrate being a statutory authority would take an independent decision in the matter on the grievance of the petitioner, this Court directs the District Magistrate, Araria (respondent no. 2) to look into the



grievance of the petitioner as contained in Annexure '7' to the writ application, consider the same and take an appropriate decision thereon after hearing all concerned. The issue raised by the petitioner must be considered and a decision thereon be taken.

Let the whole exercise be completed within a period of 90 days from the date of receipt/production of a copy of this order.

(Rajeev Ranjan Prasad, J)

avin/-

U			
---	--	--	--

