

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18373 of 2018

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Savita Swaraj W/o Pramod Kumar, Resident of Village-Machaha, Post-Kushaha, Police Station-Triveniganj, District-Supaul, Pin-852139.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Food Supply and Commerce Department, Government of Bihar, Patna.
3. The District Magistrate, Supaul.
4. The Sub Divisional Officer, triveniganj, District-Supaul.
5. The Block Development Officer, Triveniganj, Supaul.
6. The Marketing Officer, Triveniganj, Supaul.
7. The Block Supply Officer, Triveniganj, Supaul.
8. Kiran Kumari Daughter of Khusi Lal Yadav, Wife of Vinod Kumar Vimal, Resident of Village-Machaha, Post-Kushaha, Police Station-Triveniganj, District-Supaul, Pin-852139.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pranav Kumar
For the Respondent/s : Mr.Arvind Ujjwal-Sc4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 27-07-2019 Heard learned counsel for the petitioner, learned counsel for the private respondent and learned counsel for the State.

Petitioner in the present case submits that he was selected by the District Level Selection Committee for the grant of licence of the Public Distribution System Shop, but as it appears from letter no. 925-2 dated 02.11.2018 (Annexure '6' to the Supplementary Affidavit) the recommendation of the Selection Committee with respect to two candidates including



the present petitioner has been stayed till an enquiry and disposal thereof in accordance with law.

Learned counsel for the State as well as private respondent submits that at this stage the petitioner has got no cause of action against communication as contained in Annexure '6' to the writ application inasmuch as it is not the case of the petitioner that he had been communicated about the selection by the Licensing Authority and further even if he had got selected and a recommendation was made for him by the selection committee, at this stage the District Magistrate, Supaul has only stayed the recommendation with an intention to complete an inquiry and the stay is only till further order.

Having heard learned counsel for the parties and on perusal of the records, this court is of the considered opinion that at this stage the petitioner has got no cause of action to challenge the order as contained in Annexure '6' to the writ application. In the writ application, the petitioner has not made any statement that the Licensing Authority has communicated him about the selection, the court finds that after the recommendation was made the District Magistrate, Supaul, who is also Chairman of the District Level Committee, has stayed the recommendation to conduct an inquiry. At this stage, he has not



taken a final decision. It is only when the final decision of the District Magistrate, Supaul goes against the petitioner, he will have a cause of action to challenge the same. It is to be kept in mind that the petitioner has yet not got his licence and it is not a case that any right already having been vested with the petitioner is being taken away by the impugned order.

In the given facts and circumstances of the case, the writ application is being disposed of with a direction to the District Magistrate, Supaul (respondent no. 3) to complete the inquiry after giving a proper opportunity to the petitioner and all concerned to participate in the same and take a final decision in the matter within a period of 60 days from the date of receipt/production of a copy of this order. The District Magistrate, Supaul shall pass a reasoned order within the aforesaid period which will be communicated to the petitioner and in case the petitioner has got any cause of action it will be open for him to apply for an appropriate remedy in accordance with law.

The writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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