

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2106 of 2020

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Dharmendra Kumar @ Dharmendra Sah Son of Asharfi Sah, Resident of
Village- Baikatpur, P.O. Jalalpur, P.S. Mushahari, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. District Magistrate, Muzaffarpur.
3. District Supply Officer, Muzaffarpur.
4. Sub Divisional Officer, (East) Muzaffarpur.
5. Sub Divisional Officer(West) Muzaffarpur.
6. District Co-Operative Officer, Muzaffarpur.
7. Anjani Kumar Son of Babulal Sah, Resident of Village- Dwarika Nagar, P.O. Binda, P.S. Mushahari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 31-01-2020

Heard the learned counsel for the petitioner and
the State.

The petitioner alleges that he has wrongly been
excluded from consideration for grant of license on the
ground of there already being a licensee in his family.

It has been submitted that the license has been
granted to Respondent No. 7 for Baikatpur, who is



academically less qualified than the petitioner and is also not possessing any computer literacy, which the petitioner is proficient in.

It has also been submitted that under rule 11 of the Bihar Targeted Public Distribution System (Control) Order, 2016, the disqualification is only when license is granted to one of the members of a joint family.

The claim of the petitioner is that he is separate in mess and business from the person who has been granted license earlier and has his independent existence. This aspect has completely been ignored in non-suiting the petitioner for grant of license.

The petitioner has challenged the aforesaid decision before the District Magistrate but such challenge is by way of a representation.

This Court, under the aforesaid circumstances, directs that if an appeal against the aforesaid order of the authority granting license to Respondent No. 7 instead of petitioner for Baikatpur is filed before the appellate



authority within a period of four weeks from today, the same shall be looked into and disposed off by a reasoned order within a further period of eight weeks thereafter. Needless to state that the appellate authority shall look into and accord necessary attention to the provisions contained in rules 9 and 11 of the Bihar Targeted Public Distribution System (Control) Order, 2016.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	04.02.2020
Transmission Date	

