

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5647 of 2020

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1. Dilip Kumar, aged about 47 years, (Male), son of Rabindra Prasad, resident of Village-Jogia Tola, P.S. Gardanibagh, District-Patna.
 2. Durga Prasad, aged about 63 years, (Male), son of Lachhu Saw, resident of Bhikna Pahari, P.S. Kadamkuan, District-Patna.
 3. Premchand Prasad, aged about 56 years, (Male), son of Sheocharan Prasad, resident of Kadamkaun, P.S.-Kadamkuan, District-Patna.
 4. Tuntun Lal, aged about 53 years (Male), son of late Mohan Saw, resident of East Boring Canal Road, P.S. Budha Colony, District-Patna.
 5. Fair Price Dealers Association, through its General Secretary, Dayanand Prasad, aged about 63 years, (Male), son of Mishri Prasad, resident of Saidpur Road Sampatchak, P.S. Sampat Chak, District-Patna, Head Office Bhikhana Pahari, P.S. Bhikhna Pahari, District-Patna

Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Bihar, Patna.
2. The Secretary, Food and Civil Supply Bihar, Patna.

.....Respondents.

Appearance:

For the petitioners : Mr. N. K. Agarwal, Senior Advocate
Mr. Manoj Kumar Pandey, Advocate

For the State : Mr. Sarvesh Kumar Singh, AAG-13
(Respondent Nos.1 and 2)

**CORAM: HONOURABLE THE CHIEF JUSTICE
AND
HONOURABLE MR. JUSTICE S. KUMAR**

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/
Hon'ble Judge through Video Conferencing from their residential offices/residences.
Also the Advocates and the Staffs joined the proceedings through Video Conferencing
from their residences/offices.)



Oral Order

(Per: HONOURABLE THE CHIEF JUSTICE)

2. 11.05.2020

Heard Shri N. K. Agrawal, learned Senior Counsel assisted by Shri Manoj Kumar Pandey, learned counsel for the petitioners and Shri Sarvesh Kumar Singh, learned Additional Advocate General-13 for the respondents No.1 and 2.

Petitioners have prayed for the following relief:-

“That the present writ application is being filed on behalf of petitioners by way of public interest litigation for a direction to the respondent authorities that P.D.S. dealers of the State of Bihar shall be allowed to carry on their business as a P.D.S. dealers for the purpose of delivery of food grains to the consumers without use of eP.O.S machine (Biometric authentication) till the period of lock down and or till further date up to which chance of spreading Corona Virus prevails in the State of Bihar.”

After the matter was heard for some time, Shri N. K. Agrawal, learned Senior Counsel for the petitioners submits that petitioners shall be content if the petition is disposed of with the direction to the authorities to consider and decide the petitioners’ representations (Annexure-3 series) as also another representation which the petitioners would be making to the Chief Secretary, Government of Bihar within next two days.

It is contended that perhaps considering the nature of the Pandemic disease Corona Virus, the Government of Jharkhand has already taken a decision on the issue.



Well, we do not intend to comment on the same and as is prayed for by Shri N. K. Agrawal, learned Senior Counsel for the petitioners, petition is disposed of on the following mutually agreed terms:-(a) petitioners shall make a representation to the Chief Secretary, Government of Bihar within next two days; (b) upon receipt thereof, the same may be decided within a period of seven working days; and (c) all issues on merits are left open and we have not expressed any opinion on any aspect of the matter.

No order as to costs.

(Sanjay Karol, CJ)

(S. Kumar, J.)

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