

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7434 of 2020

1. Md. Qassim Khan @ Md. Quassim Son of Late Jasim Khan Resident of Village- Chand Bigha, P.S.- Rafiganj, District- Aurangabad.
2. Ramnaresh Prasad Son of Late Ambika Prasad Resident of Abdulpur, Ward no. 3, P.S.- Rafiganj, District- Aurangabad.
3. Md. Ishfaq, Son of Amanat Miyan, Resident of Ward no. 5, Rafiganj, P.S.- Rafiganj, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Government of Bihar, Patna.
2. The Principal Secretary Food and Civil Supply, Bihar, Patna.
3. The Secretary Food and Civil Supply, Bihar, Patna.
4. The District Magistrate Aurangabad.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 8416 of 2020

Uday Kumar Singh, Son of Shaliigram Singh, Resident of Village- Ghareya, Police Station- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sadar Gaya.
4. The District Supply Officer, Dist- Gaya.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 7434 of 2020)

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate

For the Respondent/s : Mr.Lalit Kishore, AG

(In Civil Writ Jurisdiction Case No. 8416 of 2020)

For the Petitioner/s : Mr.Binay Kumar, Advocate

For the Respondent/s : Mr.Lalit Kishore, AG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-12-2020



Petitioners in CWJC No. 7434 of 2020 have prayed
for the following relief(s):-

“For a direction to the respondent authorities that P.D.S. dealers (petitioners) 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 e P.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.”

Petitioner in CWJC No. 8416 of 2020 has prayed for
the following relief(s):-

“For direction to the Respondent Authority to continue the distribution of essential commodities among the beneficiaries as formerly as in practice before installation of Point of Sale (POS) Machine under the National Food Security Act 2013 and distribute food without it, citing that its usage could facilitate the spread of COVID-19 pandemic as well as to make arrangement of smooth distribution among the large number of beneficiaries are deceived from their food grains as in many cases the POS machines did not recognize the thumb impression of actual beneficiaries and they had to go from pillar to post to get the ration who are getting failed due to technical reason every month who are starving



and facing difficulties in day to day life.”

Learned counsel for the State opposes the petitions stating that the petition is misconceived; raises disputed question of fact; is not in public interest; and that the issue can be best resolved at the Government level by the appropriate authorities.

After the matter was heard for some time, learned counsel for the petitioners submits that petitioners shall be content if a direction is issued to the concerned respondent(s) to consider and decide the representation which the petitioners shall be filing for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioners, the concerned authority shall consider and dispose it of expeditiously and preferably within a period of two months from the date of its filing along with a copy of this order.

Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioners takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.



Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioners to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits. All issues are left open.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	26.12.2020
Transmission Date	

