

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13422 of 2019

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Usha Kumari Wife of Hira Lal Sah Resident of Village- Bhurna, P.O. Bhurna,
P.S. Barahat, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The District Magistrate Banka, P.S.- Banka, District- Banka.
3. The Sub Divisional Officer Banka, P.S.- Banka, District- Banka.
4. The District Supply Officer Banka, P.S.- Banka, District- Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjiva Kumar Singh, Advocate
For the Respondent/s : Mr. S.Raza Ahmad (AAG 5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 14-01-2020

The petitioner was one of the applicants for grant of license under the PDS scheme which was refused to her on the ground that she possesses a flour mill in her name from before.

Learned counsel for the petitioner submits that this statement is incorrect factually. The motorized flour mill is in the name of to the brother of her husband who is separate in mess and business and is not an applicant for license. The petitioner did not have any opportunity of countering the aforesaid disqualification which has been read into her candidature and which is factually incorrect. The petitioner therefore urges that on a non-existent ground, she has been non-suited.



Considering this aspect of the matter, this Court directs the selection committee, which is headed by respondent no. 2 the District Magistrate, Banka to consider the case of the petitioner afresh after seeking necessary verification of the facts from the petitioner as also from other sources and then pass an order with respect to grant of license to the petitioner. It is necessary for this Court to clarify here that in case the license for the aforesaid area has already been granted to some other person, such exercise would be done after noticing him as well.

With the aforesaid direction/observation, the writ petition is disposed of.

This order has been passed on the statement of the advocate of the petitioner that till date no license has been granted to any person for that area.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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