

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18283 of 2019

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Amit Kumar, son of Sheshnath Kumar, resident of Village and P.O.-
Shrimatpur, P.S.-Pirpanti, Shrimatpur, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Supply Department, Govt. of Bihar, Patna.
2. District Magistrate, Bhagalpur.
3. Additional District Collector, Bhagalpur.
4. Sub-Divisional Officer cum-Licensing Authority, Bhagalpur.
5. District Supply Officer, Bhagalpur.
6. Assistant District Supply Officer, Bhagalpur.
7. District Selection Committee of P.D.S. Dealer through its Chairman, DM, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh, Advocate
For the State : Mr. Upendra Pratap Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 13-02-2020 Heard Mr. Abhay Kumar Kumar Singh, for the

petitioner and Mr. Upendra Pratap Singh, for the State.

The petitioner was selected as licensee but for reasons which have been stated in the petition viz. intransigence of the concerned Assistant Supply Officer, the license is not being granted to him. Naturally, there is thus no commencement of supply of essential items to the petitioner. The representation made by the petitioner in this regard before the concerned authorities including



the District Magistrate has fallen on deaf ears.

The petitioner has brought on record a copy of the representation given to the District Magistrate, Bhagalpur on 26.07.2019.

There is no reason why, if the statement made on behalf of the petitioner is correct, the license be not issued to the petitioner and there is equally no reason for an authority like the District Magistrate of the concerned district to sit over such a representation.

On production/receipt of a copy of this order, the District Magistrate, Bhagalpur shall enquire into the matter and if the claim of the petitioner is found to be tenable, pass necessary orders in accordance with law within a period of sixty days from the date of receipt/production of a copy of this order directing for grant of license to the petitioner. Needless to state that such an order would be passed only if all other facts are verified and found to be true.

In case the license has not been issued to the



petitioner because of some extraneous reasons, the District Magistrate would be under an obligation to fix the responsibility on the person who has delayed the grant of license.

The reason for making such provision in this order is that licenses are granted for smooth functioning of the Public Distribution System which has been brought in place for effective implementation of the policy of providing foodgrains and other essential items to targeted population at an easy cost. This cannot be allowed to be frustrated by a handful of officers.

The District Magistrate therefore is required to see who is preventing the smooth functioning of the system.

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

(Ashutosh Kumar, J)

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