

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21645 of 2019

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Pradeep Kumar Chaudhary, son of Dev Chandra Chaudhary, Resident of
Village- Paghari P.S.- Paghari District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna.
3. The Additional Secretary, Government of Bihar.
4. The Principal Secretary, Good and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.
5. The Divisional Commissioner, Darbhanga.
6. The District Magistrate, Darbhanga.
7. The District Supply Officer, Darbhanga.
8. The Sub Divisional Officer, Sadar, Darbhanga.
9. The Block Supply Officer, Tardih, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s :
For the Respondent/s : Mr. S. Raza Ahmad, AAG 5
Mr. Alok Ranjan, AC to AAG 5.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-12-2020

Petitioner has prayed for the following relief(s):-

“1.(i) for the issuance of a rule in the nature
of writ of Certiorari for quashing the order



contained in Memo No. 820 dated 01/07/2019 issued under the signature of Respondent No. 6, District Magistrate Darbhanga whereby and whereunder a direction has been issued to the Sub Divisional Officer, Sadar Darbhanga, Benipur, Biraul and all block officers and Marketing Officers of the District of Darbhanga for implementation of Point of Sale (In short- POS) Machines for the public distribution of foodgrain and kerosene oil in as much as the beneficiaries are facing loads of problems because there is direction of 100% Aadhar Seeding and practically in the other machines when the finger prints do not match, iris/retinal scan is used but there is no such facility in POS Machine given to the P.D.S. dealers and further, neither proper training has been provided to the P.D.S. dealers for operating POS Machines nor network problem has been sorted out so that the beneficiaries should not have any problem in receiving food grain from the POS Machines.

(ii) for the issuance of a rule in the nature of writ of Mandamus directing the respondents to comply the departmental orders in a proper manner so that it is practically feasible in as much as they themselves are facing networking problems so that POS machines can function properly due to which the beneficiaries are being deprived of their monthly food grain.”

From the affidavit filed by the State, it appears



that petitioner's grievance stands redressed inasmuch as the POS machines installed at the Fair Price Shops, are fully function without any difficulty or inconvenience to any person.

It appears that the grievance of the petitioner appears to have been met.

Be that as it may, petitioner can represent to the respondent no. 5, namely, the Divisional Commissioner, Darbhanga.

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 petitioner 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)

(Partha Sarthy, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	18.12.2020
Transmission Date	

