

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 11558 of 2021

Geeta Kumari Tiwari Wife of Arun Kumar Pandey Resident of Village-
Jagdevpur, P.O.- Panchrukhiya, P.S.- Angiyav Bazar, District- Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate Officer Bhojpur.
3. The Sub Divisional Officer Piro, Bhojpur.
4. Nitesh Kumar Son of Shivji Singh Resident of Village- Post- Katariya, Block- Piro, Bhojpur, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC-4

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 04-08-2021 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The writ petition has been filed seeking the following reliefs:-

“i. For quashing the selection of respondent Nitesh Kumar as Public Distribution System dealer at Inarpatpur in place of the petitioner.

ii. For quashing the select list undated issued by the respondent no. 3 through which respondent no. 4 was selected as Public Distribution System dealer at Inarpatpur in district of Bhojpur.



iii. For direction upon the respondent authority to grant Public Distribution system license to the petitioner at Inarpatpur, Piro in the district of Bhojpur as petitioner is eligible candidate in comparison to respondent no. 4.

iv. Pending hearing of this writ petition stay the operation of the select list as contained in Annexure-3 of this writ petition.”

The learned counsel for the respondent-State Shri Upendra Pratap Singh, AC to SC-4 submits that there is a provision of appeal under Rule 32 of the Bihar Targeted PDS (Control) Order, 2016.

In such view of the matter, the learned counsel for the petitioner seeks liberty to file appropriate appeal.

Accordingly, the present writ petition stands disposed off with liberty to the petitioner to file an appeal before the appellate authority within a period of four weeks from today and in case such an appeal is filed within a period of four weeks from today the appellate authority shall consider the same on merits without being impeded by the issue of limitation and shall dispose off the same by a reasoned and a speaking order, in accordance with law.

(Mohit Kumar Shah, J)

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