

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7563 of 2020

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Smt. Mamta Kumari, W/o Sri Narendra Prasad Gupta, R/o Village- Boaria North, Gram Panchayat Raj- Nariyar, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principle Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Muzaffarpur cum Chairman District level selection Committee, Muzaffarpur.
3. The Sub- Divisional Officer (West), Cum Licensee Officer, Muzaffarpur.
4. The District Supply Officer, Muzaffarpur.
5. The Block Supply Officer, Block- Motipur, District- Muzaffarpur.
6. Smt. Kavita Devi D/o Sri Balendra Kumar R/o Village- Nariyar, Gram Panchayat Raj- Nariayar, P.S. Motipur, District- Muzaffarpur.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Jai Prakash Verma, Advocate
For the Respondents-State: Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date : 21-01-2021

Heard learned counsel for the petitioner and
learned counsel for the State.

2. In the present writ petition, the petitioner has
prayed for quashing of the selection of respondent no.6 for
issuance of PDS license under the Bihar Targeted Public
Distribution System (Control) Order, 2016 in Gram panchayat
Raj Nariyar, Block-Motipur, District-Muzaffarpur by the
District Level Selection Committee in a proceeding of meeting
dated 23.01.2020.



3. It is submitted by the learned counsel for the petitioner that the petitioner had applied for a fair price shop license pursuant to an advertisement issued under the signature of the Sub Divisional Officer, West, Muzaffarpur dated 19.06.2018. In the said selection process, the selection committee illegally and arbitrarily selected respondent no.6 who is lesser qualified than the petitioner. He has made several other pleadings in his application in support of the claim that the petitioner fulfilled all qualification and was a better candidate than respondent no.6.

4. On the other hand, learned counsel for the State submitted that since the petitioner is aggrieved by the selection made by the District Level Selection Committee in issuance of fair price shop license, she ought to have filed an appeal under clause (iii) of Rule 32 of the Bihar Targeted Public Distribution System (Control) Order, 2016 before the respondent no.2, the District Magistrate, Muzaffarpur.

5. Rule 32(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 reads as under:-

“32 (iii) Appeal.- Any person aggrieved by an order of the licensing authority denying the issue or renewal of the license to the fair price shop owner or cancellation of the license may appeal to the District Officer within thirty



days of the date of receipt of the order and the District Magistrate shall, as far as practicable, dispose the appeal within a period of sixty days.

Provided that once an appeal has been disposed of by the District Officer, the time for issue or renewal of the license of the fair price shop owner by the licensing authority shall begin from the date of decision of the District Officer on the appeal.”

6. Since there is an equally efficacious statutory remedy of appeal available to the petitioner for redressal of her grievance, I am not inclined to entertain the present application in extraordinary writ jurisdiction.

7. The writ petition is dismissed, accordingly. However, the petitioner would be at liberty to agitate her grievance before the appellate authority in accordance with law. In case of filing of an appeal within a fortnight, the appellate authority shall be required to dispose of the same in accordance with law within two months from the date of its filing.

(Ashwani Kumar Singh, J.)

sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.01.2021
Transmission Date	NA



