

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8656 of 2020

Niraj Kumar son of Sundardeo Thakur resident of Village- Bari Sankh, P.O.- Sankh, P.S.- Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food and Supply Dept., Govt. of Bihar Patna.
3. The District Magistrate-cum- Collector, Begusarai.
4. The District Supply Officer, Begusarai, District- Begusarai.
5. The Sub- Divisional Officer, Begusarai, District- Begusarai.
6. Tuntun Sah son of Ram Balak Sah resident of Village- Sankh, P.O. Sankh, P.S. Muffasil, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar
For the Respondent/s : Mr.Prashant Pratap

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 16-04-2021 This application has been taken up online because of COVID-19 pandemic restrictions.

The petitioner is aggrieved by the decision of the licensing authority, whereby licence for running PDS shop has been granted in favour of respondent No.6, ignoring the petitioner's claim.

Learned counsel for the petitioner has submitted that it was specifically mentioned in the advertisement that preference shall be given to the residents of concerned Panchayat/Ward, while determining rival claims of the persons seeking grant of licence. According to him, respondent No.6 is not a resident of Panchayat/Ward for which the licence has been granted in his favour.

The advertisement inviting applications has been brought on



record by way of Annexure-1 to the writ application. Reliance is being placed on a clause, which deals with allowing preference in favour of various groups for the purpose of grant of licence, with reference to Clause (v) thereof, it is being argued that petitioner should have been given preference.

Learned counsel for the petitioner has submitted that the since petitioner is resident of the said Panchayat/Ward, he should have been given preference.

The High Court exercising writ jurisdiction under Article 226 of the Constitution of India need not go into such aspect of the matter. The petitioner could have approached appropriate authority, if he had any grievance against grant of licence in favour of respondent No.6, ignoring his claim.

This application stands disposed of with an observation that the petitioner shall be at liberty to raise his grievance as raised in the present application before an appropriate authority, in accordance with law.

(Chakradhari Sharan Singh, J)

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