

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 10391 of 2020

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Ras Deo Prasad S/o Late Muneshwar Yadav Resident of Village- Biharpur,
ward No. 4, Panchayat Maibi, Prakhand Lakhnour, P.S.- Lakhnour, District-
Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary Department of Food and Consumer Protection,
Government of Bihar, Patna.
3. The Collector Madhubani.
4. The District Supply Officer Madhubani.
5. The S.D.O. Jhanjharpur District- Madhubani.
6. Pradeep Kumar Bantar S/o Lal Bachcha Bantar Resident of Village-
Amarupi Darshan, P.S.- Lakhnour, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Hriday Narayan Harshit, Advocate
For the S t a t e : Mr Anisul Haque, AC to AAG V

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CORAM: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH)

2 01-12-2021 Heard learned counsel for the parties.

Pursuant to an advertisement issued by the office of
Collector, Madhubani inviting applications for grant of new
licences under the Bihar Targeted Public Distribution System
[for brevity, *BTPDS*] (Control Order), 2016 in different blocks
under different Panchayats, the petitioner had applied as a
general category candidate. Clause 5 under Part II of BTPDS
Control Order, 2016 deals with licensing of fair price shops.



The petitioner has not been granted licence which grieves the petitioner. Licence has instead been issued in favour of Respondent No 6 who belongs to scheduled caste category. The petitioner has filed this writ application seeking quashing of the final merit list prepared by the District Selection Committee constituted under Clause 5 of the BTPDS Control Order, 2016.

Learned counsel for the petitioner has submitted that though the petitioner was placed at serial No 1 in the merit list, issuance of licence in his favour has been arbitrarily denied and the licence has wrongly been issued in favour of Respondent No 6.

Be that as it may, on examination of the provisions under BTPDS Control Order, 2016, we notice that there is a provision of statutory appeal under Clause 32 (vii) of the BTPDS Control Order, 2016 before the Principal Secretary/Secretary of Food and Consumer Protection Department, Government of Bihar (Respondent No 2) which the petitioner has not availed.

Considering the facts and circumstances, this application is disposed of with liberty to the petitioner to approach Respondent No 2 by preferring an appeal under Clause 32 (vii) of BTPDS Control Order, 2016. If he does so



within a fortnight from today, Respondent No 2 shall not raise any issue of limitation considering the fact that the petitioner was pursuing his remedy before this Court by way of filing this present writ application, and shall decide the appeal on merits.

This Court further expects that Respondent No 2 to decide the appeal, if filed, within the aforesaid stipulated period, within a period of three months from the date of filing the appeal.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

M.E.H./-

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