

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.759 of 2021

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Balamiki Prasad Son of Dukhi Mahto Resident of Village Gaibi, Block Rahui,
P.S. rahui, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection, Govt. of Bihar, Patna.
2. The District Magistrate, Cum Chairman District Selection Committee, Nalanda at Bihar Sharif.
3. The Sub Divisional Officer, Nalanda at Bihar Sharif.
4. The Block Supply Officer, Rahui, District-Nalanda.
5. Kumari Shabnam Wife of Sanjay Kumar Patel Resident of Village- Mirzapur Post Itasang, P.S. Rahui, District Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate
For the Respondent/s : Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-10-2021 The present writ petition has been filed seeking the following reliefs:-

“1) For quashing the selection of the private respondent no. 5 as Public Distribution System dealer at village Mirzapur in Itasang Bhadwa Panchayat under Rahui block as decided by District Level Selection Committee, Nalanda in its meeting dated 20.08.2020 as contained in Annexure-2 under Bihar Targeted Public Distribution System (Control) Order, 2016 (hereinafter referred to as the Control Order, 2016) on the ground that as per the population of the Panchayat only five (5) shops are required however six (6) shops are running in the



Panchayat even then new appointment of P.D.S. dealer has been made by the selection committee.

II) For restraining the licensing authority not to issue license of fair price shop to the respondent no. 5 during the pendency of this application.”

At the outset, the learned counsel for the petitioner seeks liberty to file appropriate appeal under Rule 32 (vi) of the Bihar Targeted PDS (Control) Order, 2016.

The Ld. Counsel for the respondent State, Shri Alok Ranjan, AC to AAG-5 has got no objection.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed off with liberty to the petitioner to approach the appellate authority by filing appropriate representation/appeal against the aforesaid order dated 20.08.2020 and in case such a representation/appeal is filed within a period of four weeks from today, the appellate authority shall consider the same on merits and dispose it, in accordance with law, by a reasoned and a speaking order, within a period of eight weeks, thereafter.

(Mohit Kumar Shah, J)

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