

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2204 of 2020

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Nibha Kumari W/o Rajesh Kumar Rajak, resident of village- Sahuri,
Panchayat- Sahuri, Block- Chhourahi, P.s.- Chhourahi, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply, Govt. of Bihar, Patna
2. The Secretary, Food and Civil Supply, Govt. of Bihar, Patna
3. The District Magistrate, Begusarai
4. The District Supply Officer, Begusarai
5. Sub-Divisional Officer, Manjhaul, Distt.- Begusarai
6. Jaimala Kumari W/o Deepak Kumar, resident of village- Bajitpur Panchayat Chhourahi, Block- Chhourahi, District- Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nakul Kumar Jamuar, Adv.
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC4

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR

PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 11-11-2022

Heard Mr. Nakul Kumar Jamuar, learned advocate for

the petitioner and Mr. Upendra Pratap Singh for the State.

The petitioner has challenged the selection of private
respondent no.6 as a PDS Dealer on the ground of her having
lesser qualification than the petitioner.



The learned counsel for the petitioner submits that the petitioner is Intermediate and has also computer knowing certificate (D.C.A. Course) but, irrespective of that, the private respondent no.6, whose qualification is only Matric, has been appointed as PDS Dealer.

In view of the controversy raised by the petitioner and the notification dated 21.07.2022 issued by the Government in exercise of the powers conferred under Sections 3 and 5 of the Essential Commodities Act, 1955 read with Clause-36 of the Bihar Targeted Public Distribution System (Control) Order, 2016, we direct that in the event of the petitioner making a suitable representation/complaint before the concerned Divisional Commissioner within a period of 30 days, the Divisional Commissioner shall look into the matter and after hearing all the stakeholders, including Respondent No. 6, shall pass a final order within a further period of 90 days, giving reasons in support of the decision taken by him.

The order so passed by the authority shall be made available to the petitioner as well as the Respondent No. 6.



We have specifically asked Respondent No. 6 to be heard by the Divisional Commissioner as the present order is being passed in his absence.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.11.2022
Transmission Date	

