

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1026 of 2022

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Kumari Sunita Pal, Wife of Raju Kumar Pal, Resident of Village - Munji,
Police Station - Karakat, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The District Magistrate, Rohtas.
3. The District Level Selection Committee through District Supply Officer, Rohtas, Sasaram.
4. The Sub-Divisional Magistrate, Bikramganj, District - Rohtas.
5. The Block Supply Officer, Karakat, District - Rohtas.
6. Md. Samiul Haque Ansari, Son of Md. Mahfooz Alam, Resident of Village - Bharat Kasba, Post - Dharupur, Police Station - Karakat, District - Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Advocate
For the Respondent/s : Mr. Alok Ranjan, Advocate
For the Pvt. Respondent No. 6: Mr. Sudama Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 28-09-2022

Heard Mr. Jitendra Prasad Singh, learned

Advocate for the petitioner and Mr. Sudama Singh for
private Respondent No. 6. The State is represented by Mr.
Alok Ranjan.

The petitioner is aggrieved by the grant of license
to private Respondent No. 6 on the premise that she has
better academic qualification than private respondent no. 6



and that both the petitioner as well as the private Respondent No. 6 had not furnished the computer knowing certificate and that when the same was furnished by the petitioner later in point of time, the application of the petitioner was rejected.

Based on such statement made on behalf of the petitioner, private Respondent No. 6 was noticed and the State was asked to file counter affidavit.

Mr. Sudama Singh learned Advocate who has appeared for private Respondent No. 6 has submitted that her qualification is better than that of the petitioner.

However, there is no counter affidavit on behalf of the State.

Considering the afore-noted nature of dispute and the counter claim of the parties as also in view of 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 are of the view that the matter could be well decided by the Divisional Commissioner.

In the event of the petitioner making a suitable representation/complaint before the concerned Divisional Commissioner within a period of thirty days, who 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 ninety 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. 8.

The writ petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.09.2022
Transmission Date	

