

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2596 of 2020

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Nita Kumari Wife of Rajesh Kumar Resident of Siyaram Colony, Belaganj,
P.S. Bodhgaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar.
2. The Divisional Commissioner Magadh Division, Gaya.
3. District Magistrate, Gaya.
4. Sub-Divisional Officer, Sadar, Gaya.
5. Sub-Divisional Officer, Sadar, Gaya.
6. Block Supply Inspector, Belaganj, District Gaya.
7. Soni Kumari W/o Barjesh Kumar R/o Village Ghasi Bigha, P.O. Samaspur, P.S. Belganj, District Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv.
For the Respondent/s : Mr.Alok Ranjan, AC to AAG5

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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 : 09-11-2022

Heard Mr. Ashok Kumar learned advocate for the
petitioner and Mr. Alok Ranjan for the State.

The petitioner has laid a grievance that the private
respondent no.7 has been granted license to her exclusion in a
wrong manner.

It has been urged on behalf of the petitioner that she has
better qualification than the private respondent no.7 and that the
private respondent no.7 is a resident of a village which is three



kilometers away from the place for which the advertisement was issued. It has also been contended that the respondent no.7 had not submitted her character certificate as well as the matriculation certificate along with her application but, even then, she was selected against the candidature of the petitioner.

In view of the nature of the dispute having been raised by the petitioner as also 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. 7, 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. 7.

We have specifically asked Respondent No. 7 to be heard by the Divisional Commissioner as the present order is being passed in his absence.



With the aforestated observation and direction, the writ
petition stands disposed of.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.11.2022
Transmission Date	

