

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4470 of 2020

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Sarjan Kumar Son of Harinath Ram Resident of Village- Bhamopali, P.S.-
Barharia, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The District Supply Officer, Siwan.
4. The Sub-Divisional Officer, Siwan Sadar, Siwan.
5. The Block Development Officer, Barharia, District- Siwan.
6. The Mukhiya, Gram Panchayat Raj- Bhamopali, Anchal- Barharia, District- Siwan.
7. Krishna Kumar Ranjan Son of Late Narayan Ram (Ex-MLA), Resident of Village- Bhamopali, P.S.- Barharia, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Tiwary
For the Respondent/s : Mr.Vijay Kumar Sinha

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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 : 06-12-2022

Heard Mr. Rabindra Kumar Tiwary, learned

Advocate for the petitioner and Mr. Vijay Kumar Sinha



for the State.

The petitioner is aggrieved by the grant of licence to respondent no. 7, notwithstanding the fact that he had represented the Ward and there is a proscription under the Bihar Targeted Public Distribution System (Control) Order, 2016 for granting licence to such persons.

The further grievance of the petitioner is that respondent no. 7 did not have computer ability certificate, whereas the petitioner was computer literate and he should have been given preference for grant of licence.

Mr. Sinha, learned counsel for the State, on the other hand, submits that respondent no. 7 had resigned from that position much before, whose resignation had been accepted and respondent no. 7 was granted licence after he was found to be the most suitable of the contenders.

However, in view of the nature of controversy



raised by the petitioner as also in view of the notification dated 21.07.2022, issued by the government in exercise of the powers referred 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, this Court deems it appropriate to direct that, in case a suitable complaint/representation is made by the petitioner before the Commissioner of the Division, Siwan within a period of 15 days, he 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 60 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 respondent no.7 forthwith.

We have specifically asked respondent no. 7 to be heard by the Commissioner of Division, Siwan as the present order is being passed in his absence.



The writ petition stands disposed of
accordingly.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

Mahesh/Sonali

AFR/NAFR	NAFR
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