

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6312 of 2021**

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Priyanshu Kumari D/o Rajendar Choudhri, Resident of Village - Shivpur,  
Panchayat - Shivan, P.S. Kargahar, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Sub-Divisional Officer, Sasaram, Rohtas.
4. The Block Development Officer, Kargahar, Rohtas.
5. The Block Supply Officer, Kargahar, Rohtas.
6. Smriti Kumari, W/o Dhananjay Kumar Singh, Resident of Village - Shiwan, P.O. - Dhanej, P.S. Kargahar, Dist. - Rohtas.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Ajay Kumar Tiwari, Advocate  
For the Respondent/s : Mr.Arvind Ujjwal, SC-4

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

**and**

**HONOURABLE MR. JUSTICE MADHURESH PRASAD**

ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)**

4      17-02-2022                      The matter has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

2. The petitioner has a grievance against issuance of licence to run a PDS shop under Bihar Targeted Public Distribution System (Control) Order, 2006 (for short BTPDS Control Order) in favour of Respondent No. 6, denying her better claim.



3. Learned counsel appearing on behalf of the petitioner has submitted that the petitioner was selected for grant of licence. However, nearly three years, after the preparation of merit-list, fresh objections were invited by the licensing authority, without any such authority vested in him and upon entertaining such objection, licence has been issued in favour of respondent No. 6.

4. It can, however, not be disputed that the petitioner has remedy under BTPDS Control Order by approaching the competent/ statutory authority raising a grievance against non-issuance of licence in her favour and issuance of licence in favour of respondent No. 6, denying the better claim of the petitioner. The petitioner has admittedly not invoked the said remedy under Rule 32(iii) of the BTPDS Control Order.

5. In such view of the matter, this application is disposed of with an observation that the petitioner shall be at liberty to approach the appropriate/ statutory authority by invoking the provision under BTPDS Control Order. If the petitioner prefers such representation/ application/ appeal within four weeks from today, the competent/ statutory authority shall be under obligation to consider the same on its own merit and condone the delay in approaching the said authority, considering



the fact that the petitioner was pursuing her remedy before this Court by filing the present writ application. It is also observed that the competent authority shall consider deciding the said representation/ appeal as expeditiously as possible.

**(Chakradhari Sharan Singh, J)**

**( Madhuresh Prasad, J)**

Rajesh/-

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