

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5337 of 2020**

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Ramesh Paswan Son of Radhe Paswan, resident of Village- Khairuchak, Post-Soharaiya, Police Station and District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies Department, Government of Bihar, Patna.
2. The Commissioner, Magadh Division, Gaya.
3. The District Magistrate-cum-Chairman, District Selection Committee, Gaya.
4. The Sub Divisional Officer, Jehanabad.
5. Rupa Kumari, Wife of Pintu Kumar, resident of Village- Khairuchak, Post-Soharaiya, Police Station and District- Jehanabad.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Avinash Kumar Singh, Advocate |
| For the Respondent/s | : | Mr. Alok Ranjan, Advocate         |

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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 : 24-11-2022**

Heard Mr. Avinash Kumar Singh, learned  
Senior Advocate for the petitioner and Mr. Alok  
Ranjan for the State.

The petitioner, though was placed first in  
the merit-list for being considered for grant of  
licence under the PDS Scheme, but ultimately



respondent no. 5 was granted the licence. This was because of a complaint made by private respondent no. 5 before the Selection Committee regarding the computer ability of the petitioner.

The learned counsel for the petitioner submits that both, the petitioner and respondent no. 5 are computer literate and, in that event, the Committee was only required to see who had the better academic qualification. That respondent no. 5 had a higher qualification in computer ability was not to be taken into account for non-suiting the petitioner and granting licence to respondent no. 5 instead, who was below the petitioner in the merit-list.

In view of the nature of controversy raised by the petitioner and also in the light 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 it would be appropriate to refer the matter to the Divisional Commissioner, Gaya, for resolution of such dispute.

Should the petitioner make a suitable representation/complaint before the Divisional Commissioner, Gaya within a period of 15 days, he shall look into the matter and after hearing all the stakeholders, including respondent no. 5, shall pass a final order within a further period of 30 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. 5 forthwith.

We have specially asked for respondent no. 5 to be heard by the Divisional Commissioner as



the present order is being passed in her absence.

The writ petition stands disposed of  
accordingly.

**(Ashutosh Kumar, J)**

**( Nawneet Kumar Pandey, J)**

HR/-Mahesh

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| AFR/NAFR          | NAFR       |
| CAV DATE          | N/A        |
| Uploading Date    | 29.11.2022 |
| Transmission Date | N/A        |

