

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4555 of 2022

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Md. Samsher, aged about 28 years, male, Son of Md. Alim, R/o Ward 32, Karbala, Khagra, Kishanganj, Kishanganj, Bihar-855108.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secreary, Food and Consumer Protection Department Government of Bihar.
2. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar.
3. The District Magistrate, Kishanganj.
4. Deputy Development Commissioner, Kishanganj.
5. District Supply Officer, Kishanganj.
6. District Co-Opertive Officer, Kishanganj
7. Sub-Divisional Officer, Kishanganj.

... .. Respondent 1st Set

8. Md. Tamvir Ansari, S/o Md. Nazam Ansari, R/o Vilalge - Khagra, Karbala, Ward 32, Distt. - Kishanganj.

... .. Respondent 2nd Set

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Pandey, Advocate
For the State : Mr. Upendra Pratap 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 : 18-08-2022

Heard the learned counsel for the parties.

2. The petitioner had applied for grant of

license under the Public Distribution Scheme.

Notwithstanding the fact that he was ranked first in



the provisional merit-list, he was not granted license on the complaint of private respondent No. 8 that the father of the petitioner is shown to be, in one of the sale documents, as Momin Ansari which caste does not fall within the category of Extremely Backward Class.

3. The learned counsel for the petitioner has submitted that he is the son of one Md. Alim and there is a certificate of the Government/competent authority holding that the petitioner belongs to "Ansari caste", which comes in the category of Extremely Backward Class. Merely on the complaint of private respondent No. 8, who now has been granted license in place of the petitioner, that on local information he had gathered that the petitioner is a "Skeikh", the candidature of the petitioner has been turned down. On face of it, it has been urged, such decision of the authorities is bad in fact and law.



4. Let the petitioner make a requisite complaint before the Divisional Commissioner within a period of 30 days, who, on receipt of such complaint, shall, on hearing of the parties including private respondent No. 8, pass a final order within next 90 days with respect to the correctness of the decision of granting license to private respondent No. 8 in place of the petitioner.

5. The order so passed by the Divisional Commissioner shall contain reasons in support of the same and the order shall be made available to the petitioner forthwith.

6. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
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