

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7076 of 2019

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Baby Kumari W/o Pankaj Kumar Yadav Resident of Village-Ward No. 2,
Bhama Manulahipatti, P.S. - Bhargama, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector-cum-Chairman, District Level Selection Committee, Araria.
3. The Collector-cum-District- Magistrate, Araria.
4. The Sub-Divisional Officer, Forbesganj.
5. Anju Kumari W/o Mantu Kumar Yadav. Resident of Village - Gorha, Panchayat, Manulahipatti, P.s. - Bhargama, District - Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr.Dhananjaya Nath Tiwari, Adv.
For the State	:	Mr. Bijoy Kumar Sinha, Adv.

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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 : 02-12-2022

Heard Mr. N.K. Agrawal, the learned Senior Advocate for petitioner and Mr. Bijoy Kumar Sinha for the State.

The petitioner was initially selected by the District Selection Committee for being granted licence, but, later, for the petitioner not having appeared in the computer ability test, respondent no. 5 was selected,



even though she had not stated in her application form about her computer ability.

The learned counsel for the petitioner has submitted that there is no general practice of putting the contenders for licence to any computer test and, if at all, the test was conducted, all the candidates ought to have been informed about the date of which the test was to be held. The petitioner has categorically stated in the writ petition that she did not have any idea about the test being held, otherwise she, too, would have participated in the test.

In view of the afore-noted controversy raised by the petitioner and also in the light of 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 if a suitable complaint/representation is made by the petitioner within



a period of 30 days before the Commissioner of the Division, 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 90 days, giving reason 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 specifically asked respondent no.5 to be heard by the concerned authority as the present order is being passed in her absence.

The writ petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

SONALI/HR/-

AFR/NAFR	NAFR
CAV DATE	NA
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