

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5763 of 2022

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Shriti Kumari, Female, aged about 43 years, Wife of Gopal Prasad @ Gopal Sah, Ward No. 43, Bishanupur, Begusarai, P.O. and P.S. and District - Begusarai (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Chairman Cum District Magistrate, Begusarai.
3. Sub-Divisional Officer Cum Control Officer, Begusarai.
4. District Supply Officer, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pravin Chandra Prasad, Adv.
For the Respondent/s : Mr. Alok Ranjan, Adv.

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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 : 29-09-2022

Heard the learned counsel for the parties.

2. On the ground of a family member of the petitioner being a licensee under the P.D.S. scheme, the application of the petitioner for being granted license has



been rejected.

3. The learned counsel for the petitioner has submitted that the disqualification does not attach when the members of the family of the in-laws of the applicant is a licensee from before.

4. Considering the afore-noted objection with respect to non-selection of the petitioner and in view 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 deem it appropriate to refer the matter to the Divisional Commissioner for necessary determination.

5. Should the petitioner approach the concerned Divisional Commissioner with a suitable representation/complaint within a period of thirty days, he shall look into the matter and after giving hearing to all the concerned parties, shall pass a final order within a



further period of ninety days, giving reasons in support of the decision so taken by him.

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

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	N/A

