

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8306 of 2019

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Asha Kumari, Wife of Brajesh Kumar Bablu , Resident of Village Shakarpura
Betauna, Block and P.S. District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. Collector -Cum-District Supply Officer, Madhepura.
3. Sub Divisional Magistrate-Cum-Assistant District Supply Officer, Madhepura.
4. Block Supply Officer-Cum-Supply Inspector, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Mukund
For the Respondent/s : Mr. S. Raza Ahmad (AAG5)

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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 : 12-10-2022

1. Heard Mr. Abhijeet Abhigyan, learned Advocate for the petitioner and Mr Alok Ranjan, for the State.

2. The petitioner has not been considered for grant of licence under the PDS Scheme on the sole ground of her not being computer literate.

3. In response to such statement made in the counter affidavit, the petitioner has submitted in her rejoinder affidavit that she is computer literate, having Diploma in Computer Application



(DCA) which certificate was provided at the time of consideration of the District Selection Committee. However, no receipt was given for the documents submitted according to the checklist provided by the Selection Committee.

4. In view of such statement having being made on oath and also 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 concerned Divisional Commissioner.

5. Should a suitable representation/complaint being preferred by the petitioner before the Divisional Commissioner within a period of 30 days, he shall look into the matter and after verifying the records and also after hearing all the stakeholders, shall pass a final order within a further period of 90 days, giving reasons in support of the decision so taken by him.

6. The order so passed by the authority shall be made available to the petitioner forthwith.



7. In case it is found that non-suiting the petitioner for being considered for grant of licence was bad for no appropriate reason, necessary sequel order by the concerned authorities shall be directed by the Divisional Commissioner.

8. With the aforesaid direction/observation, the writ petition stands disposed of.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

Skm/ashishkr/-

AFR/NAFR	NAFR
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