

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8398 of 2019

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Nand Kishore Yadav, Son of Late Kari Yadav Resident of Village Barahi
Hasanpur, Ward No.3, P.S. and 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.
5. Krishna Kumar Yadav Son of Suvi Lal Yadav Resident of Village Barahi, P.S. and District-Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhijit Abhigyan, Advocate

For the Respondent/s : Mr. Alok Ranjan, 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 : 21-09-2022

Heard Mr. Abhijit Abhigyan, learned counsel for the
petitioner and Mr. Alok Ranjan, for the State.



The petitioner has challenged the selection of Respondent No. 5 as a PDS Dealer on the ground that his claim stands superior to him.

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 direct that in the event of the petitioner making a suitable representation/complaint before the concerned Divisional Commissioner within a period of 30 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 90 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 the Respondent No. 5.

We have specifically asked Respondent No. 5 to be heard by the Divisional Commissioner as the present order is being passed in his absence.

The writ petition stands disposed of accordingly.



(Ashutosh Kumar, J)

(Jitendra Kumar, J)

skm/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.09.2022
Transmission Date	NA

