

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11298 of 2021

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Rahul Kumar, Son of Ramakant Choudhary, Resident of Village- Selar Kalan,
P.O.- Line Bazar, P.S.- Phulwariya, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The Commissioner, Saran Division, Chapra.
4. The District Magistrate, Gopalganj.
5. The Sub Divisional Officer, Hathua, District- Gopalganj.
6. The Block Supply Officer, Block- Hathua, District- Gopalganj.
7. The District Selection Committee, District- Gopalganj, through the District Magistrate, Gopalganj.
8. Omprakash Singh, Son of Bharat Singh, Resident of Village- Selar Kalan, P.S.- Phulwariya, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Pandey No.5, Advocate
For the Respondent/s	:	Mr.S. Raza Ahmad, AAG-5
		Mr. Anisul Haque, A.C. to AAG-5

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 07-03-2022 The petitioner is seeking quashing of Memo No.955 dated 30.12.2020, issued under the signature of the District Magistrate, Gopalganj to the extent the same relates to recommendation made in favour of Respondent No.8 for grant of PDS licence. The impugned memo is a provisional selection list.

The petitioner has directly approached this Court without raising any objection against the said selection list



before appropriate authority or by approaching the appellate/revisional authority under the provisions of the Bihar Targeted Public Distribution System (Control) Order, 2016 (hereinafter referred to as 'the Control Order, 2016').

Learned counsel appearing on behalf of the petitioner has submitted that the petitioner did not have the knowledge about the selection list in question.

We are not inclined to entertain this writ application since, admittedly, no licence has been issued so far on the basis of the said provisional selection list and therefore this application, in our view, is premature. Further, this writ application does not require to be entertained at present also for the reason that the petitioner has an alternative efficacious remedy under the provisions of the Control Order, 2016.

The application is accordingly dismissed.

The petitioner shall, however, be at liberty to approach appropriate authority to assail the selection list or any action consequent thereon before appropriate authority.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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