

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8477 of 2022

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Gautam Paswan Son of Ram, Sharan Paswan Resident of Village
Andhwakola, Police Station and District-Kishanganj,

... .. Petitioner/s

Versus

1. The State of Bihar the Principal Secreary, Department of Food and Civil Supply Govt. Bihar, Patna.
2. District Magistrate, Kishanganj.
3. The District Development Commissioner, Kishanganj.
4. Sub-Divisional Officer, Kishanganj.
5. District Supply Officer, Kishanganj.
6. District Cooperative Officer, Kishanganj.
7. District Selection Committee, Kishanganj.
8. Madhuri Wife of Prakash Lal Harijan Resident of Village Sarogora, P.S. and District Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajeev Ranjan
		Mr. Ram Prawesh Kumar
For the Respondent/s	:	Mr.S. Raza Ahmad (AAG-5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

3 02-11-2022 Heard the learned counsel for the petitioner and

learned counsel for the respondents.

The petitioner is aggrieved by grant of license to
respondent no. 8 on the ground that she was placed below in the
provisional merit list and that her qualification is lesser than that
of the petitioner. The further ground of challenge is that



respondent no. 8 owns a flour meal which is a definite impediment in granting license to a candidate.

The learned counsel for the petitioner has submitted that for no good reason, the candidature of the petitioner has been ignored.

In view of the nature of controversy raised by the petitioner as 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 are of the view that it would be appropriate to refer the matter to the Divisional Commissioner for resolution of such dispute. Should the petitioner make 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. 8, 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 respondent no.8 forthwith.

We have specifically asked respondent no. 8 to be heard



by the Divisional Commissioner as the present order is being
passed in her absence.

The writ petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

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