

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9128 of 2019

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Sunita Kumari W/o Raman Kumar Yadav Resident of Ward No.- 10,
Bhatandi, P.O.- Bharwari, P.S.- Rosera, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
2. The Chairman, District Selection Committee-cum- District Magistrate, Samastipur.
3. The District Supply Officer, Samastipur.
4. The Sub Divisional Officer, Rosera, District- Samastipur.
5. The Block Supply Officer, Rosera, District- Samastipur.
6. Renu Yadav W/o Birendra Kumar Resident of Village- Batandi, P.O- Bharwara, P.S. Rosera, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Narayan Yadav ,Adv Mr. Ranjeet Kumar Yadav ,Adv Ms. Sweeta Kumari ,Adv Mr. Masoom Alam, Adv Mr. Shankar Jha Adv
For the Respondent/s	:	Mr. S. Raza Ahmad (AAG5)
For the Respondent No. 6 :		Mr. N.K. Agarwal, Sr. Adv Mr. Pramod Kumar Singh, Adv Mr. Kumar Rajdeep, 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 Mr. Suraj Narayan Yadav, learned Advocate for
the petitioner; Mr. Alok Ranjan, for the State; and Mr. Pramod
Kumar Singh, for Respondent No. 6.



The petitioner has questioned the grant of licence to Respondent No. 6 on the ground that she has a better claim than her.

It has also been urged on behalf of the petitioner that the disqualification attached to the petitioner is misconceived.

The petitioner has been non suited for the reason that in the first inquiry, it was found against the allegation that the father-in-law of the petitioner had a flour mill. Later, the inquiry report indicated that the father-in-law of the petitioner did own a flour mill.

The learned counsel for the petitioner has submitted that the first report was ignored and without any justification, the second report was accepted for non suiting the petitioner.

Apart from this, the petitioner claims that she has better marks and suitability than Respondent No. 6.

Instead of going into the aforesaid dispute, this Court deems it appropriate to direct the petitioner to approach the Divisional Commissioner.

Should any suitable complaint or representation be filed before the Divisional Commissioner by the petitioner within a



period of 30 days, he shall look into the matter and after affording hearing to all the parties, including Respondent No. 6, shall pass a final order within a further period of 90 days, giving reasons in support of the decision taken by him.

The aforesaid direction has been passed in view of the notification dated. 21.07.2022 issued by the Government of Bihar 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.

With the afore-noted direction/observation , the writ petition stands disposed of.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

SKM/uttam/-

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

