

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8805 of 2022

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Virendra Kumar Son of Sri Rajendra Ray resident of Village- Bankul, P.O.-
Siwaipatti, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Bihar Old Secretariat, Patna.
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The Chairman, the District Selection Committee-cum- the District Magistrate, Muzaffarpur.
4. The Sub- Divisional Officer (East)-cum- Licensing Authority. xxx
5. The District Supply Officer, Muzaffarpur.
6. Vimlesh Kumar Son of Sri Ram Prit Ray, resident of Village- Belahi Lachchi, P.O.- Siwaipatti, P.S.- Minapur, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey
For the Respondent/s : Mr. Upendra Pratap Singh

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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)

2 02-11-2022 Heard Mr. Sunil Kumar Pandey, the learned

Advocate for the petitioner and Mr. Upendra Pratap Singh,

the learned counsel for the State.

The petitioner had earlier come up before this
Court *vide* C.W.J.C. No. 3093 of 2020 when private
respondent No. 6 was selected as the candidate for being
granted license.



The petitioner contended that his application was not considered only because the column for computer qualification was left blank.

The petitioner had filed requisite certificate regarding his computer literacy which was not taken into account. In support of the aforesaid contention, the petitioner has brought on record a copy of the checklist which demonstrates that computer literacy certificate was annexed along with the application form.

Be that as it may, this Court considering the fact that the petitioner was older in age to respondent No. 6 and had similar qualification and computer literacy, by order dated 27.02.2020 directed the petitioner to make a suitable representation before the District Magistrate-cum- Chairman of District Selection Committee, Muzaffarpur to look into the matter and pass a reasoned order.

The District Magistrate did not decide the matter himself but got the matter placed before the District Selection Committee again and for the same reason, the



claim of the petitioner has again been rejected.

Mr. Pandey, the learned Advocate for the petitioner contends that such decision cannot be accepted as this Court had directed the matter to be resolved by the District Magistrate himself, who has unauthorisedly sub-delegated the issue to the Committee.

For the afore-noted reasons, we set aside the order passed by the Committee so designated by the District Magistrate so far as the petitioner is concerned and direct the petitioner to make a suitable representation before the Divisional Commissioner 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.

Should the petitioner file such a representation 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. 6,



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.
6 forthwith.

We have specifically asked respondent no. 6 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)

sunilkumar/-

(Nawneet Kumar Pandey, J)

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