

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8587 of 2022

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Sri Nandan Kumar Son of Sri Chandra Shekher Rawut, Resident of - Village Chandan, P.O. and P.S. - Chandan, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Food and Civil Supply, Government of Bihar.
3. The District Magistrate, Banka, District - Banka.
4. The Sub Divisional Officer, Banka, District - Banka.
5. The Block Supply Officer, Banka, District - Banka.
6. Sri Protush Kumar, S/o Krishna Nand Panday, Resident of - Village - Pandaydeh, P.O. - Chandan, P.S. - Chandan, District - Banka.
7. Deputy Principle Cum Public Information Officer, Project Kaneya High School, Village - Chandan, District - Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Pritam Kumar
		Mr. Gopal Krishna Prasad
For the Respondent/s	:	Mr.Arvind Ujjwal (Sc4)

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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 the learned counsel for the petitioner and the learned counsel for the respondents.

The petitioner, who was also one of the contenders for grant of license is aggrieved by grant of license to respondent no. 6 to the exclusion of the petitioner even when he has better qualification and is more suitable in all respects than respondent no. 6. Though, he was heard by the District Magistrate on his



complaint but being dissatisfied, he approached this Court again only for the reason that the District Magistrate has finally passed an order who himself had been the member of the District Selection Committee, which did not consider the claim of the petitioner to be better than respondent no. 6 and selected respondent no. 6 for being granted license. We thus deem it appropriate to permit the petitioner to make a suitable representation/complaint before the concerned Divisional Commissioner for the resolution of the dispute/controversy raised by him.

We intend to do so in view of the notification dated 21.07.2022 issued by the Government in exercise of the powers under Section 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 prefer 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. 6, shall pass a final order within a further period of 60 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)

(Nawneet Kumar Pandey, J)

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