

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13722 of 2021

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Rakesh Kumar Singh Son of Amarjeet Singh Resident of Village- Baghwar
Nizamat, P.O.- Sikatiya, P.S.- Sindhwaliya, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Commissioner, Saran Division, Chapra.
3. The District Magistrate, Gopalganj.
4. The Licensing Officer-cum-Sub Divisional Officer, Gopalganj.
5. The Sub-Divisional Officer, Hathua, District- Gopalganj.
6. The District Supply Officer, Gopalganj.
7. The District Co-operative Officer, Gopalganj.
8. The District Transport Officer, Gopalganj.
9. Nijamuddin Son of Md. Idrish Miyan Resident of Village- Badhwar, P.S.- Sidhwalia, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar Singh
For the Respondent/s : Mr. S. Raza Ahmad (AAG5)

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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 : 22-09-2022

Heard Mr. Siya Ram Sahi, learned Advocate for the
petitioner and Mr. Alok Ranjan, for the State.

The petitioner is aggrieved by the grant of licence to
Private Respondent No. 9 on the ground that initially his
application for grant of licence was rejected but later he was



finally selected. The rejection of the candidature of Respondent No. 9 initially was for the reason of his not having offered any document of land which was a necessary requirement under the advertisement.

It is the contention of the State that whichever application was found to be wanting with respect to necessary documents, such applicants were given an opportunity to remove the defects and in the process, Respondent No. 9 offered documents of land, making him an eligible candidate for being considered for grant of license.

The learned counsel for the petitioner, however, submits that such is the explanation given in the counter affidavit, though in the order granting licence, there is no such statement.

There is no necessity of incorporating such statement in the order granting licence to a candidate who is otherwise found to be eligible and more suitable than the other candidates.

Be that as it may, considering that there is dispute with respect to selection of a candidate as a PDS dealer, we



deem it appropriate to refer the matter to the Divisional Commissioner for a final decision in the matter.

On the petitioner approaching the Divisional Commissioner with a suitable complainant/representation within a period of 15 days from today, he shall, after hearing all the parties/stakeholders i.e. the petitioner and Respondent No. 9 in particular and all other interested persons, pass a final order in accordance with law, giving reasons in support of the same within a period of 60 days thereafter.

The copy of the order so passed by the Divisional Commissioner shall be made available to the parties.

The writ application stands disposed of accordingly.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

Skm/uttam/-

AFR/NAFR	NAFR
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