

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9342 of 2022

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Pushpa Kumari W/o Sri Sanjeev Kumar Paswan Resident of Village- Darima,
Ward No.07, Post- Darima, P.S.- Keoti, District- Darbhanga, Pin Code-
847121.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. Additional Secretary, Food and Consumer Protection Department, Bihar, Patna.
3. The Collector, Darbhanga.
4. The District Selection Committee through the Collector, Darbhanga.
5. The Licensing Officer-cum-Sub-Divisional Officer, Sadar, Darbhanga.
6. The District Supply Officer, Darbhanga.
7. The Block Supply Officer, Keoti, Darbhanga.
8. Naresh Mochi S/o Rajendra Mochi Resident of Village Gosai Tol, Paigambarpur, P.O. Pachadhi, P.S. Keoti, District- Darbhanga.
9. Sanjeev Kumar Paswan S/o Satyanarayan Paswan Resident of Village and Post Darima, PS and Block Keoti, District Darbhanga, Pincode- 847121.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kaushalesh Choudhary, Adv.
For the Respondent/s : Mr.Alok Ranjan, AC to AAG5

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 16-11-2022

Heard Mr. Kaushalesh Choudhary, learned Advocate

for the petitioner and Mr. Alok Ranjan for the State.

The petitioner was initially placed at Serial No. 2 in
the merit list which was published on 24.08.2021.



Incidentally, the name of private respondent no. 8, who has now been granted license, did not figure in the merit list of 24.08.2021. The objection raised by respondent no. 8 in that regard was also rejected. After about 7 months, another merit list was prepared in which the name of the petitioner fell below the respondent no. 8.

The reason assigned for giving preference to private respondent no. 8 was that he had higher qualification than the petitioner. The reason for assessing the candidature *qua* the marks of the contenders was necessitated only when it was observed that the petitioner's computer ability is lesser than respondent no. 8. This assessment has been challenged by the petitioner on the ground that the computer ability certificate of respondent no. 8 does not depict any percentage of marks whereas the certificate offered by the petitioner reflects the percentage of marks received by him in the Diploma, which he holds in computer literacy.

In any view of the matter, considering the nature of controversy raised by the petitioner and 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 direct that in the event of the petitioner making a suitable representation/complaint before the concerned Divisional Commissioner within a period of 30 days, the Divisional Commissioner 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 the Respondent No. 8.

We have specifically asked for Respondent No. 8 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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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2022
Transmission Date	

