

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22401 of 2018

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Upendra Kumar Sahani, Son of Nemi Lal Sahani, Resident of Village-
Panchtaki Ram, Ward No. 5, P.O.- Panchtaki Yadav, P.S.- Baigania, Distt.-
Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate, Sitamarhi, Distt.- Sitamarhi.
5. The Sub-Divisional Officer, Sitamarhi, Distt.- Sitamarhi.
6. The Block Development Officer, Baigania, Distt.- Sitamarhi.
7. The Block Supply Officer, Baigania, Distt.- Sitamarhi.
8. Ranjan Kumar, Son of Ramanand Sah, Resident of Village and P.O.- Panchtaki Yadu, Ward No. 9, P.S.- Baigania, Distt.- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.B.K. Manglam, Advocate
For the State : Mr. A.C. to A.A.G.-5

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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 : 23-09-2022

Heard the learned counsel for the parties.



2. The petitioner has challenged the grant of license to private respondent No. 8 on the ground that his claim as well as his suitability as a licensee was better than private respondent No. 8.

3. It has been contended on behalf of the petitioner that even if the qualification of the petitioner and the private respondent No. 8 were the same, he has better marks and is older to private respondent No. 8 as well. Apart from this, it has been argued that in accordance with Rule 8 of the Bihar Targeted Public Distribution System (Control) Order, 2016, the resident of a *panchayat* or ward has to be given priority.

4. It has thus been urged that the petitioner belongs to the same ward where the P.D.S. shop is situated, whereas private respondent No. 8 is a person of different ward.

5. Considering the afore-noted objection of 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 deem it appropriate to direct that in the event of the petitioner approach the Divisional Commissioner with a suitable representation/complaint within a period of fifteen days, he shall look into the matter and after giving hearing to all the concerned parties, including private respondent No. 8, shall pass a final order within a further period of sixty days, giving reasons in support of the decision taken by him.

6. The order so passed by the Divisional Commissioner shall be made available to the petitioner as well as private respondent No. 8 forthwith.

7. We have specifically asked for the private respondent No. 8 to be heard by the Divisional Commissioner as the present order is being passed in his absence.

8. With the aforesaid observation/direction,



the writ petition stands disposed off.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

Praveen-II/-

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

