

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15499 of 2021

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Mukesh Kumar Sah, aged about 28 years, male, Son of Ram Naresh Sah,
Resident of Village - Khargram Chhapar, P.S. - Bhore, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The Commissioner, Saran Division, Saran at Chapra.
4. The District Magistrate, Gopalganj.
5. The Sub Divisional Officer, Hathua, District - Gopalganj.
6. The District Supply Officer, Gopalganj.
7. The Block Development Officer, Bhore, District - Gopalganj.
8. The Block Supply Officer-cum-Marketing Officer, Bhore, District - Gopalganj.
9. The District Level Selection Committee (Supply) through its Chairman, District - Gopalganj.
10. Surendra Prasad, Son of Parmanand Prasad, R/o Village - Ramnagar, P.S. - Bhore, District - Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Pandey, Adv.
For Respondent No. 10	:	Mr. Sanjay Kumar, Adv.
For the State	:	Mr. Alok Ranjan, Adv.

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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. Ranjeet Kumar Pandey, the

learned counsel for the petitioner and Mr. Sanjay Kumar,



the learned counsel for private respondent No. 10. The State is represented by Mr. Alok Ranjan, the learned Advocate.

2. The grant of license to private respondent No. 10 has been challenged by the petitioner on several counts.

3. From the documents available in the file, it appears that at no point of time since the publication of the advertisement and submission of form as well as selection of the P.D.S. dealer, the private respondent No. 10 was ever available in the country; which fact can be ascertained from the counter affidavit.

4. The other ground of challenge is that the petitioner has higher qualification in computers as compared to private respondent No. 10, who has only a six months' diploma which also, according to the petitioner, is fake.

5. Lastly, it has been submitted that from the checklist provided by the Department, it can safely



be concluded that private respondent No. 10 had not submitted all the documents which was required of a candidate.

6. On these grounds, it has been asserted that private respondent No. 10 ought not to have been selected as a P.D.S. dealer and in his place, the petitioner should have been chosen as the candidate.

7. Without expressing any opinion over the contentions raised on behalf 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 direct that in the event of the petitioner making a suitable representation/complaint before the concerned Divisional Commissioner within a period of fifteen days, who shall look into the matter and after hearing all the stakeholders, including private respondent No. 10, shall



pass a final order within a further period of sixty days,
giving reasons in support of the decision taken by him.

8. The order so passed by the authority shall
be made available to the petitioner as well as private
respondent No. 10 forthwith.

9. 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
Uploading Date	26/09/2022
Transmission Date	N/A

