

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16801 of 2021

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Dinesh Kumar Ram, aged about 36 years, male, S/o Late Munshi Ram, R/o Vill. - Pawar, P.S. - Pawna, Distt. - Bhojpur (Ara).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. Deputy Director (Food Patna Division, Patna).
4. District Magistrate, Bhojpur (Ara).
5. Sub-Divisional Officer, Ara Sadar, Ara.
6. District Supply Officer, Bhojpur, Ara.
7. District Sub-Divisional Officer, Supply (Branch, Bhojpur, Ara).
8. Sarita Kumari, W/o Arun Kumar Rajak, R/o Vill. - Pawar, P.S. - Pawna, Distt. - Bhojpur, Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Rai, 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. Mithilesh Kumar Pandey, the
learned Advocate for the petitioner and Mr. Alok Ranjan,



the learned counsel for the State.

2. The appointment of private respondent No. 8 has been challenged by the petitioner who claims to be a more suitable candidate as his qualification is more than private respondent No. 8.

3. Since there is a dispute with respect to the candidature of private respondent No. 8, who has been granted license by the District Selection Committee, we deem it appropriate to refer the matter to the Divisional Commissioner 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.

4. Should 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 hearing all the



stakeholders, 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.

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

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

7. 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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