

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16909 of 2021

Imteyaz Ashraf son of Moin Ashraf resident of Village- Shahpur, Block-
Pupri, P.S.- Pupri, Distt. Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Consumer and Food Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The District Supply Officer, Sitamarhi.
4. The Sub Divisional Officer, Block- Pupri, Sitamarhi.
5. The Block Supply Officer, Block- Pupri, Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ashhar Mustafa Mr. Tarique Shamim Mr. Abu Nasar
For the Respondent/s	:	Mr. Alok Ranjan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

5 22-09-2022 **Interlocutory Application No. 1/2022.**

After hearing Mr. Sanjeev Kumar, the learned
counsel for the proposed intervenor/respondent, we allow
his application and permit him to be impleaded as
respondent no. 6, for which necessary correction shall be
carried out in cause title by the registry within a period of
two days.

Interlocutory Application No. 01/2022 stands



allowed.

C.W.J.C. No. 16909 of 2021

The petitioner was granted license initially but later, on a complaint by the intervenor /respondent no. 6, the District Magistrate, Sitamarhi cancelled the license of the petitioner.

The contention of the intervenor/respondent is that he was wrongly placed at sl. no. 2, whereas the petitioner was kept at sl no. 1, even though his candidature was much better than that of the petitioner as he possesses computer knowledge also and the fact that four of the relatives of the petitioner own and possess flour mills, was not disclosed by the petitioner.

Be that as it may, since the dispute is with respect to selection of the licensee under the PDS scheme so 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 15 days, he shall look into the matter and after hearing all the stakeholders, including intervenor/respondent no. 6, shall pass a final order within a further period of 60 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 intervenor /respondent no. 6 forthwith.

The order passed by the District Magistrate, Sitahmarhi, which has been impugned in the present petition, is set aside.

The writ petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

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