

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17152 of 2021

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Lalita Kumari Wife of Sri Shailesh Kumar, Resident of Village-Gulabchak,
P.O.-Ashadhi, P.S.-Hilsa, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Nalanda District Public Distribution System Dealer Selection Committee through its Chairman cum District Magistrate, Nalanda.
3. The District Magistrate, Nalanda at Biharsharif.
4. The District Supply Officer, Nalanda at Biharsharif.
5. The S.D.O., Hilsa, Nalanda.
6. Smt. Sulekha Kumari, Wife of Shashibhushan Kumar, resident of Village-Gulabchak, P.O.-Ashadhi, P.S.-Hilsa, District-Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Giridhar Gopal Tiwary, Advocate
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 22-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

- (i) For setting aside the decision of the Nalanda District P.D.S. dealership selection committee dated 04.08.2021 whereby the said committee held that the character certificate produced by the petitioner was not maintainable and hence rejected her application.
- (ii) For setting aside the decision of the selection committee to allot dealership of Ashadhi Panchaya P.D.S. Shop to Respondent No.6, who having lesser qualification than this petitioner.
- (iii) For issuance of an appropriate writ/order/direction commanding the Respondents to allot the dealership in question to the petitioner who is having highest qualification.
- (iv) For restraining the Respondent No.5, who is the licensing authority from issuance of P.D.S. license to the Respondent No.6 during the pendency of this petition.
- (v) For issuance of any other writ/order/direction for grant of appropriate relief to the petitioner.

After the matter was heard for some time, learned counsel for the petitioner, states that petitioner shall be content if a direction is issued to the authority concerned under Section 32 of the Bihar Targeted Public Distribution System (Control) Order, 2016 to consider and decide the Appeal/Revision to be filed by the petitioner within a period of four weeks along with a copy of this order, within a period of two months from the date of its filing.

Without expressing any opinion on merits of the claim, petition is disposed of with the liberty aforesaid. All issues on facts and law are left open.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law,

before the appropriate forum, the same shall be dealt with, in
accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand
disposed of.

(Sanjay Karol, CJ)

Sanjay/-

(S. Kumar, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.01.2022
Transmission Date	NA