

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16972 of 2021

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Chhedan Prasad Paswan, Son of Ram Prasad Paswan, Resident of Village -
Kharka Telwa, P.S. - Nauhatta, Dist. - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Food and Consumer Protection Deptt., Patna.
2. The Director, Food and Consumer Protection Deptt., Govt. of Bihar, Patna.
3. Deputy Director, Food and Consumer Protection Deptt., Koshi Division, Saharsa.
4. District Magistrate, Saharsa.
5. District Supply Officer, Saharsa.
6. Sub Divisional Officer, Sadar, Saharsa.
7. Kumar Deepak @ Deepak Kumar Singh, Son of Arun Kumar Singh, Resident of Village - Diwra, Ward No. 12, P.S. - Nauhatta, Dist. - Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

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Date : 22-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (i) For issuance of writ in the nature of certiorari for quashing of part of proceeding dated 15-1-2021 issued vide memo no. 37 dated 21-1-2021 whereby selection of Respondent No.7 as P.D.S Dealer at Panchayat Kharka Telwa has been done which is illegal.
- (ii) For issuance of writ in the nature of Mandamus direction to Respondents to make selection of the petitioner as P.D.S. Dealer at Panchayat Kharka Telwa in the district of Saharsa.

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(vi) 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)

(S. Kumar, J)

ranjan/-

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