

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2654 of 2017

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Mohammad Shahnawaj son of Md. Waizuddin, resident of Village-
Hargawan, Post- Hargawan, P.S.- Manpur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Food and Civil Supply, Bihar, Patna.
3. The District Magistrate-cum-Chairman, District Level Selection Committee,
Nalanda.
4. The District Supply Officer, Nalanda.
5. The Sub-Divisional Officer, Bihar Sharif, Nalanda.
6. The Block Supply Officer, Bihar Sharif, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Senior Advocate Mr. Braj Nandan Prasad, Advocate Mr. Kumar Rajdeep, Advocate Mr. Arvind Kumar, Advocate
For the State	:	Mr. Manish Kumar, GP-4

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 15-12-2022

Heard Mr. N.K. Agrawal, learned Senior
Advocate for the petitioner and Mr. Manish Kumar,
learned GP-4 for the State.

The claim of the petitioner for being
considered for grant of licence as a self-help group has
been rejected on two grounds, viz., that the details of
the self-help group was not indicated in the application



form and that the father and the uncle of the petitioner were holding PDS licence from before. The other grounds for rejecting the application of the petitioner are that the financial strength of the self-help group has also not been indicated and the location/site offered in the application form for opening the shop is the parental house and there is no undertaking of the other family members to allow the use of that place for opening the shop. Additionally, it has also been intimated to the petitioner by the licensing authority that his application was not considered for the reason that in the parental house which has been offered as the situs for opening a new shop, there are two other shops running in the same premises.

Mr. Agrawal, has argued that in case the material particulars with respect to the identity of the self-help group was not mentioned in the application, an opportunity ought to have been given to him by the licensing authority to provide such information. He



further submits that the disqualification for two other persons in the family holding licence under the PDS scheme would not attach to the case of the petitioner as he had sought licence in the name of a self-help group. He further submits that the other disqualifications, which has weighed with the licensing authority in rejecting the application are also not tenable.

However, after some argument, Mr Agrawal, seeks permission to withdraw this petition in order to enable the petitioner to file a suitable complaint/representation regarding his grievances before 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.

Should a suitable complaint/representation be made by the petitioner within a period of 30 days



before the Commissioner of the Division, he shall look into the matter and after hearing all the stakeholders, including respondent no. 5, shall pass a final order within a further period of 90 days, giving reason 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 respondent no. 5 forthwith.

The writ petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

SONALI/HR/-

AFR/NAFR	NAFR
CAV DATE	NA
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