

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18145 of 2021

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Munita Kumari Wife of Awnish Kumar Resident of Village and Post Office -
Bokane Kala, Police Station- Patahi, District- East Champaran (Motihari).

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.
2. The District Officer, East Champaran, Motihari.
3. The District Supply Officer, East Champaran, Motihari.
4. The Sub Divisional Officer - cum- Licence of P.D.S. Officer, Pakari Deyal, East Champaran, Motihari.
5. Rinku Kumari @ Rinku Devi Wife of Munna Kumar Sah Daughter of Shankar Sah, Resident of Village - Manichapara, Police Station- Mehasi, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC 4

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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 : 18-08-2022

Heard Mr. Ashok Kumar Singh, learned Advocate
for the petitioner and Mr. Upendra Pratap Singh for the State.

The petitioner has challenged the grant of license to
respondent no. 5 on the ground that she does not permanently
reside in the area and that she has been given preference over
the petitioner for extraneous considerations.

It appears from the pleadings of the petitioner that
pursuant to an advertisement issued in the year 2017, inviting



applications for grant of license under the PDS scheme in the district of Motihari, the petitioner and others had applied. Initially, the license was granted to one Komal Kumari but later on finding that her disability certificate was forged, the license so granted was cancelled. Thereafter, it is the case of the petitioner that her name was recommended but the District Selection Committee did not find favour with the recommendation and granted license to respondent no. 5.

The complaints made by the petitioner against the grant of license to respondent no. 5 have fallen on deaf ears.

Considering the afore-noted submissions on behalf of the petitioner, this Court deems it appropriate to direct the petitioner to make a complaint before the Divisional Commissioner against the process of appointment as also the selection of respondent no. 5, within a period of thirty days. On such complaint, the Divisional Commissioner shall after hearing the parties, including the respondent no. 4 and any other stake holder in the matter, shall pass a final order within a further period of sixty days supported with reasons.

The order so passed by the Divisional Commissioner shall be made available to the petitioner forthwith.



The aforesaid direction has been given in view of the notification of the Government dated 22nd of July, 2021.

With the aforesaid direction/observation, the writ petition stands disposed of.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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