

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18315 of 2021

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Shweta Singh Wife of Subodh Singh Resident of Village - Jamalpur, Police Station- Koilwar, District- Bhojpur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Ara Bhojpur.
3. The Chairman - Cum- District Magistrate, District Selection Committee, Ara, Bhojpur.
4. Sub-Divisional Officer - Cum- Licensing Authority, Ara Sadar, Ara, Bhojpur.
5. Sub-Divisional Office Ara Sadar, Bhojpur.
6. Neha Kumari W/o Late Vikash Kumar Resident of Village - Narayanpur, P.O. Daulatpur, P.S. Koilwar, Dist. Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari
For the Respondent/s : Mr. Upendra Pratap Singh

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

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

3 22-09-2022 Heard the learned counsel for the petitioner and

the learned counsel for the State.

The petitioner has challenged the grant of license to private respondent no. 6 on the ground that her application was wrongly rejected as having been received in the office a day later than the last date for receiving the applications.



It is the contention of the petitioner that she had applied for grant of license under the category Economically Weaker Section (EWS) and she was the only candidate in that category. The last date for receiving the applications fell on Sunday but the application of the petitioner was received in the office on Monday i.e. a day after. According to the General Clauses Act, 1897 even if the application is received a day after Sunday, it will be deemed to have been received within the cut-off date.

The respondent no. 6 was granted license on the ground that there was no other candidate available in the EWS category.

Since the matter relates to selection of a candidate as dealer / licensee and 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 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 respondent no. 6 forthwith.

We have specifically asked for respondent no. 6 to be heard by the Divisional Commissioner as the present order is being passed in his absence.

The writ petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

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