

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19779 of 2021

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Kala Kumari, Chairman, Kamal Jivika Mahila Gram Sangathan, Swayan Sahayata Samuh, Wife of Chandeshwar Das, Resident of Village - Parmanandpur, P.O. - Srirampur, P.S. - Ashok Paper Mill, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate Cum Chairman, District Selection Committee, Darbhanga, District- Darbhanga.
3. The Sub - Divisional Officer, Sadar, Darbhanga.
4. Avinash Kumar Chaudhari Son of Harendra Chaudhary Resident of Village and P.O. - Srirampur, P.S. - Ashok Paper Mill, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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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 : 02-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

1. That this writ application is being filed on behalf of the petitioner above named for issuance of an appropriate writ , order or direction for quashing the decision passed by the District Magistrate-Cum-Chairman , District Selection Committee , Darbhanga In a meeting dated 24/8/2021 under the signature of authorities concerned and issued vide Memo No. 1297 dated 24/8/2021 by which one namely Avinash Kumar Chaudhary has been selected for issuance of P.D.S. license and/or to cancel the P.D.S. license if any the same has been issued in the name of the same person in the place of the petitioner and if the same has not

been issued to any person , may kindly stay the same till final order of this writ application .

Petitioner has approached this Court without exhausting the statutory remedy of appeal as provided under Clause 32 of Bihar Targeted Public Distribution System (Control) Order, 2016 against the order by which his application for grant of PDS licence has been rejected and on his place, private respondent no.4, namely, Avinash Kumar Chaudhary, has been granted P.D.S. licence.

Petitioner is granted liberty to avail the remedy of appeal against the impugned order by which his application for grant of PDS licence has been rejected by the District Selection Committee before the Divisional Commissioner, Darbhanga and if any such appeal is filed within 4 weeks then appellate authority shall condone the delay in filing the appeal and shall decide the appeal on its own merit preferably within 8 weeks from the date of its filing.

With aforesaid direction, the writ petition stands disposed of.

(Sanjay Karol, CJ)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.02.2022
Transmission Date	NA

(S. Kumar, J)