

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20394 of 2021

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Khusboo Rani W/O Saroj Kumar Singh Resident of Village - Baijalpur, P.O. -
Amaiya, P.S. - Asarganj, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Supply of Food and consumer Protection Department, Govt. of Bihar, Patna.
2. The Secretary, Supply of Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The District Magistrate - cum- Second Appellate Authority, Public Grievance Redressal, Munger.
4. The District Supply Officer, Munger.
5. The Commissioner, Munger Division, Munger.
6. The District Supply Officer, Munger.
7. Block Supply Officer, Asarganj Block, Munger.
8. The Licensing Authority - cum- Sub - Divisional Officer - cum Public Grievance Redressal Authority, Tarapur Block, Munger.
9. The Additional Collector - cum- First Appellate Authority, (Public Grievance Redressal), Munger.
10. Kiran Kumari W/O Sri Niranjan Rai, Resident Village - Dulhar, P.O. - Amaiya, P.S. - Asarganj, District- Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, 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 : 08-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

1. For issuance of writ/writs, direction/directions, order/orders commanding the respondents to issue the

License for Fair Price Shop under Public Distribution System to the petitioner for which he had applied in the year 2017, under Amaiya Gram Panchayat, Block Tarapur, District- Munger, by setting aside the order vide Memo No.41, dated 08.01.2019 passed by Sub-Divisional Officer, Tarapur, Munger and also by cancelling the License, which has been issued in favour of respondent no.10.

a) For, issuance of writ/writs, direction/directions to the respondents to stay the functioning of Fair Price Shop of respondent no.10 under Public Distribution System for the Gram Panchayat Amaiya and also stay the allotment of food grains to the respondent no.10.

B) For, issuance of writ/writs, order/orders directing the respondents to cancel the P.D.S. license issued in favour of respondent no.10.

C) For, any other relief/relief(s) for which the petitioner is found entitled by the Hon'ble Court.”

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 her application for grant of PDS licence has been rejected and on her place, private respondent no.10 namely, Kiran Kumari, has been granted P.D.S. licence.

Petitioner is granted liberty to avail the remedy of appeal

against the impugned order by which her application for grant of PDS licence has been rejected by the District Selection Committee before the Divisional Commissioner, Munger 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)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.02.2022
Transmission Date	NA