

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20591 of 2021

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Prem Ranjan Kumar Son of Lakshman Yadav Resident of Village- Patauna,
Police Station- Bisfi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
2. The Collector, Madhubani.
3. The Sub Divisional Officer, Benipatti, Madhubani.
4. The District Supply Officer, Madhubani.
5. The Block Supply Officer, Bisfi, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Advocate
For the Respondent/s : Mr. Upendra Pratap Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 21-02-2022

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

The petitioner is aggrieved by the fact that despite his having furnished show cause reply against the complaint made by a person who was ranked second in the merit list, for being chosen as a licensee under the Bihar Targeted Public Distribution System (Control) Order, 2016, no decision has yet been taken by the licensing authority.

It appears from the pleadings of the petitioner that pursuant to an advertisement, the petitioner had applied for getting PDS licence and along with such



application, he had also furnished necessary certificate about his being differently abled. The petitioner was ranked no.1 in the merit list. However, before the licence could be given to him, the person falling in the second place in the merit list made a complaint before the licensing authority that the petitioner is a Panchayat Teacher and, therefore, is disqualified from being a licensee. The process of grant of licence was forestalled on such complaint and the petitioner was asked to furnish his show cause reply. The petitioner has replied that his appointment as Panchayat Teacher was cancelled but he has challenged the same. He has further stated before the authority that on the date when such an application was made, there was no subsisting employment of the petitioner and he is also ready to surrender his licence, should he win the litigation with respect to restoration of his job as a Panchayat Teacher.

What the petitioner is aggrieved with is that no such decision has been taken by the licensing authority, notwithstanding the fact that there is an obligation on the part of the authorities to fill up the vacant Fair Price Shops and such process should be kept continuous. All that the petitioner desires is that the Authority concerned ought to address itself to the complaint and the explanation offered



by the petitioner and take a decision with respect to grant of licence.

This Court can only say, this a very fair demand on the part of the petitioner.

The concerned respondent, namely, Sub-divisional Officer, Benipatti, Madhubani, is directed to take a decision in the matter and communicate the same to all stake holders.

This exercise must be completed within 60 days of receipt/production of a copy of this order.

The writ petition stands disposed of accordingly.

(Ashutosh Kumar, J.)

(Anjani Kumar Sharan, J.)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
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