

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.175 of 2020

Arshad Hussain Son of Abdul Hafeez Resident of Village- Ijara, Block-
Rahika, P.S.- Rahika, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Old Secretariat, Patna.
2. The Principal Secretary, Food and Civil Supply Department, Old Secretariat, Patna.
3. The District Magistrate, Madhubani.
4. The District Supply Officer, Madhubani.
5. The District Co-operative Officer, Madhubani.
6. The Sub-Divisional Officer, Madhubani Sadar, District- Madhubani.
7. The Block Supply Officer, Rahika, District- Madhubani.
8. Raju Kumar Bhandari Son of Srikant Bhandari Resident of Village- Satghara, Block- Rahika, P.S.- Rahika, District- Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Singh, Adv.
For the Respondent/s : Mr.S. Raza Ahmad (AAG5)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE NAWNEET KUMAR

PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 24-11-2022

Heard Mr. Ravindra Kumar Singh, learned advocate

for the petitioner and counsel for the State.

The petitioner has challenged the selection of respondent no.8 as a PDS Dealer and has prayed for quashing of the Final Merit List dated 28.09.2018 issued by the office of Sub-Divisional Officer, Madhubani, the Licensing Authority.



The learned counsel for the petitioner submits that the advertisement for grant of PDS license was issued for Unreserved Category and the petitioner applied for the same under the Unreserved Category but maliciously, his name was placed under the Extremely Backward Caste (EBC) category and the license was allotted to the private respondent no.8 under the Unreserved category, ignoring the fact that he belongs to EBC category and had also applied for the license under the EBC category.

In view of the nature of the controversy 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, the Divisional Commissioner shall look into the matter and after hearing all the stakeholders, including Respondent No. 8, shall



pass a final order within a further period of 30 days thereafter,
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 the Respondent No. 8.

We have specifically asked Respondent No. 8 to be
heard by the Divisional Commissioner as the present order is
being passed in his absence.

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

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.11.2022
Transmission Date	

