

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1814 of 2019

=====

Surendra Kumar, Son of Rajvans Ram, Resident of Village- Raghubir Garh,
P.S.- Chainpur, District- Kaimur at Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Department, Government of Bihar, Patna.
2. The Principal Secretary, Food and Civil Supplies Department, Government of Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate, Kaimur, Bhabhua.
5. The Sub Divisional Officer, Bhabhua.
6. The Block Supply Officer, Chainpur.
7. Sunita Kumari, Wife of Sitabchandra Ram, Resident of Village- Dihbhujaina, P.S.- Chainpur, District- Kaimur at Bhabhua.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Adv.
Mr. Kumar Rajdeep, Adv.
For the Respondent/s : Mr. Anisul Haque, AC to AAG-5

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 02-01-2023

Heard the learned counsel for the parties.



2. The petitioner is aggrieved by grant of licence to private respondent No. 7, who, though had applied in the unreserved category, was granted licence in the reserved category. There are other disputes also with respect to the selection of private respondent No. 7.

3. In view of the controversy raised by the petitioner, we deem it appropriate to refer the matter to the Divisional Commissioner. We say so also for the reason 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.

4. Should a suitable complaint / representation be filed by the petitioner before the Divisional Commissioner within a period of 30 days, the Divisional Commissioner shall look into the matter and after hearing all the stakeholders, including the



private respondent No. 7, shall pass a final order within a further period of 60 days, giving reasons in support of the decision so taken by him.

5. The order so passed by the Divisional Commissioner shall be made available to the petitioner as well as the private respondent No. 7 forthwith.

6. We have specifically asked for private respondent No. 7 to be heard by the Divisional Commissioner as the present order has been passed in her absence.

7. With the aforesaid observation / direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09/01/2023
Transmission Date	N/A

