

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4195 of 2020

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Lalita Devi Wife of Arjun Kumar, Resident of Village and Panchayat-
Bhopatpur, Block- Barharia, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The Commissioner, Saran Division, Saran.
4. The District Level Selection Committee, Public Distribution System, Siwan.
5. The District Magistrate, Siwan.
6. The Sub Divisional Officer, Siwan.
7. The District Supply Officer, Siwan.
8. The Marketing Officer, Siwan.
9. The Block Supply Officer, Barharia, Siwan.
10. Jai Kishore Kumar, son of Daroga Singh, R/O- Village- Bishanpura, P.O.- Jogapur Kothi, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Praveen
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

3 22-12-2023 Heard the learned counsels for the parties.

The present writ petition has been filed for the
following relief(s):

“A. For issuance of an appropriate writ/writs, order/orders, direction / directions to cancel /set aside the revised decision taken by the District Level Selection Committee regarding selection of Public Distribution System (P.D.S.) Shop, License vide memo no. 06 Mu, dated 29.06.2019 (Annexure-8) so far serial no 20 is concerned against which objection has been raised on behalf of petitioner.



B) For issuance of an appropriate writ/writs, order/orders, direction/directions to the respondent authorities to issue P.D.S. Shop license in favour of petitioner on the basis of merit list (Annexure- 3) in which petitioner was placed at Serial no.2 as the person who has been placed at serial no.1 was disqualified on the basis of having "Atta Chakki". As the said merit list was prepared on the basis of guidelines of advertisement dated 11.08.2017 issued by D.M. Siwan and details of vacancies released on 12.08.2017 by the S.D.O., Siwan.

C) For any other relief/reliefs to which the petitioner is found entitled under the facts and circumstances of the present case.

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3. Even though the learned counsel appearing on behalf of the petitioner has argued at length on merits of the case, this Court is not inclined to go into the same as the petitioner has an alternative and efficacious remedy of filing a complaint before the Divisional Commissioner.

4. Learned counsel appearing on behalf of the respondents states that as per the amendment order Bihar Targeted Public Distribution System (Control) Second Amendment Order, 2022, the Divisional Commissioner is the competent authority for disposing off any complaint or representation made by an aggrieved party.

5. Without going into the merits or demerits of the case, having regard to the fact that the petitioner has a remedy of filing a complaint before the Divisional Commission as per



the amendment made vide notification dated 21.07.2022 under Bihar Targeted Public Distribution System (Control) Second Amendment Order, 2022. The petitioner is directed to approach the Divisional Commissioner ventilating his grievance against a selection of the Respondent No. 10 as a PDS dealer within a period of four weeks from the date of receipt of a copy of this order. On receipt of the complaint, the Divisional Commissioner shall pass orders strictly in accordance with law within a period of eight weeks thereof. It is needless to mention that before passing any order, all the parties shall be put on notice and given an opportunity of hearing, besides submitting their objections. Any order passed shall be communicated to the parties.

6. With the above direction, the present writ petition stands disposed off.

(A. Abhishek Reddy , J)

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