

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4100 of 2022

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Anju Kumari @ Anju Devi, W/o Sri Niwas Sharma, resident of Village - Sahejani, P.O. - Hasan Bazar, P.S. - Piro, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Director, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The District Magistrate, Bhojpur.
4. The Sub Divisional Officer, Piro, Bhojpur.
5. The Block Development Officer, Piro, Bhojpur.
6. The Panchayat Secretary, Gram Panchayat Nonar, Piro, Bhojpur.
7. Shri Bhagwan Sharma, S/o Bihari Sharma, resident of Village - Sahejani, P.O. Hasan Bazar, P.S. - Piro, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Parmeshwar Vishwakarma, Advocate.
For the State	:	Mr.S. Raza Ahmad (Aag5).
For the Respondent No.7:	:	Mr. Surendra Kumar Mishra, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

10 15-02-2023 Heard Mr. Parmeshwar Vishwakarma, learned counsel appearing on behalf of the petitioner; Mr. S. Raza Ahmad, learned AAG-5 for the State and Mr. Surendra Kumar Mishra, learned counsel appearing on behalf of the respondent.

2. The petitioner has filed the writ petition for the following reliefs:

(a) Issuance of writ in the nature of certiorari for quashing/set-aside the decision of District Level Selection Committee under Chairmanship of District Magistrate (Respondent no.3) dated 27.03.2021 and also to cancel the P.D.S. License bearing License No.12/2021 of Private



Respondent No.7, which was issued by the Sub Divisional Officer, Piro, Bhojpur (respondent no.3) whereby and where under the District Level Selection Committee selected the private respondent no.7 for grant of New License illegally and violated the guidelines of selection for grant of New License for Village-Sahejani, Panchayat-Nonar, Block-Piro, District-Bhojpur whereas the petitioner has obtained more marks (66.88%) than private respondent no.7 (57.94%), it is clear violation of eligibility criteria of advertisement dated 17.12.2020.

(b) Issuance of writ in the nature of mandamus commanding and directing the respondents to select the petitioner who has obtained more marks than private respondent and to issue the P.D.S. license in his favour.

3. Learned counsel appearing on behalf of the petitioner after some argument seeks to withdraw the present writ petition in view of alternative remedy available before the Divisional Commissioner in view of the notification contained in Memo No. 3223 dated 21.07.2022. In this regard, he has placed reliance on Sub-clause 4 of Section 2 of Bihar Targeted Public Distribution System (Control) second amendment order, 2022.

4. In view of the above provision, the petitioner may file his objection before the Divisional Commissioner and the concerned Divisional Commissioner is directed to decide the objection filed by the petitioner by passing a reasoned order within a period of four weeks from the date of filing of the objection by the petitioner.



5. Accordingly, the writ petition stands disposed of.

(Purnendu Singh, J)

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