

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4238 of 2023

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Deepak Kumar Son of Lok Nath Paswan Resident of Village- Pokhta tola,
Kaliganj, P.O.- Kaithi, P.S.- Obra, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Civil Supplies Food and Consumer Protection Department, Bihar, Patna.
2. The Secretary, Civil Supplies Food and Consumer Protection Department, Bihar, Patna.
3. The Divisional Commissioner, Magadh Division, Gaya-cum-First Appellate Authority.
4. The District Magistrate, Aurangabad.
5. The District Selection Committee, Aurangabad through the District Magistrate, Aurangabad.
6. The Additional Collector (Public Grievance)-cum-District Public Grievance Redressal Officer, Aurangabad.
7. The Sub Divisional Officer, Aurangabad.
8. The Public Officer-cum-The District Supply Officer, Aurangabad.
9. The Block Supply Officer, Obra, Aurangabad.
10. Dharmendra Paswan, Son of Kapildeo Paswan Resident of Village- Kaliganj, P.O.- Kaithi, P.S.- Obra, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari
For the Respondent/s : Mr. Arvind Ujjwal (Sc4)

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

7 18-10-2023

Heard the learned counsels for the parties.

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

*“for quashing the Order
dated 22.12.2022 issued by The
Divisional Commissioner cum First
Appellate Authority as well as Order
dated 11.11.2022 issued by The
District Public Grievance Redressal*



Officer, Aurangabad where by and where under the appeal of the petitioner has been cancelled, and further,

b. for a direction to the Respondent Authority to produce selection letter by which Respondent No. 10 has been selected and granted a license of Public Distribution System Shop (hereinafter referred as 'PDS Shop') and after producing the above said selection letter, quashed the same and respondents further be directed to issue a license of PDS Shop in favour of petitioners as he has more qualification than the Respondent No. 10, and,

c. for grant of any other Writ/Writs, Order/Orders, Direction/Directions, Relief/Reliefs for which petitioner is found entitled on the basis of circumstances and facts stated here in after in the present case."

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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