

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6434 of 2019

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Mother Taresa Mahila Swaym Sahayta Samoooh through Secretary Reena Devi @ Rina Devi, aged about 30 year, Female, Wife of Vishwanath Yadav, Resident of Village- Chandpur, P.O.- Hasanpur Gurda, Via- Mahnar, P.S.- Patory, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Sub-Divisional Officer, Patory, District- Samastipur.
4. The District Supply Officer, Samastipur.
5. The Block Supply Officer, Patory, District- Samastipur.
6. Suresh Prasad Rai, Son of Late Deo Narayan Rai, Resident of Village and P.O.- Hetanpur, P.S.- Patory, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Adv.
For the State : Mr. Upendra Pratap Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 06-02-2023

Heard the learned counsel for the parties.

2. The petitioner/Mother Taresa Mahila Swaym Sahayta Samoooh, through its Secretary, has challenged the grant of license to private respondent No. 6 on the ground that the District Selection Committee



ought to have considered the claim of the institutional license for the petitioner in view of the provisions contained in Rule 8 of the Bihar Targeted Public Distribution System (Control) Order, 2016, which mandates that except the compassionate ground cases, self-help groups shall be given priority in allotment of fair price shops.

3. In view of the nature of controversy raised 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, he shall look into the matter and after giving hearing to all the stake-holders including private respondent No. 6, shall pass a final order within a further period of 60 days



thereafter, giving reasons in support of the decision taken by him.

4. The order so passed by the Divisional Commissioner shall be made available to the petitioner as well as private respondent No. 6 forthwith.

5. We have specifically asked for the private respondent No. 6 to be heard by the Divisional Commissioner as the present order is being passed in his absence.

6. 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
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