

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7807 of 2019

1. Nitesh Kumar Son of Bishwanath Rajak R/o at P.O.-Simari, P.S.-Vidyapati Nagar, District-Samastipur
2. Manita Kumari Wife of Anil Kumar R/o at Chakumar, P.O.-Bahadurpur, P.S.-Vidyapati Nagar, District-Samastipur
3. Rajesh Kumar Son of Mahendra Rai R/o at-Bangraha, P.O.-Kancha, P.S.-Vidyapati Nagar, District-Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Dept., Government of Bihar, Patna
2. The District Magistrate Samastipur, District-Samastipur
3. The Sub-Divisional Officer Samastipur, District-Samastipur
4. The Sub Divisional Officer Rosera, District-Samastipur
5. The Sub-Divisional Officer Dalsingsarai, District-Samastipur
6. The District Supply Officer Samastipur, District-Samastipur
7. The Regional Deputy Collector Samastipur, District-Samastipur
8. The District Co-operative Officer Samastipur, District-Samastipur
9. Ajay Kumar Son of Ram Naresh Roy R/o Village-Banraha, P.S.-Vidyapati Nagar, District-Samastipur
10. Pinki Kumari Wife of Binod Kumar R/o Village-Kalyanganj, Bangraha, P.S.-Vidyapati Nagar, District-Samastipur
11. Kumari Amrita Raj Wife of Baidnath Kumar R/o Village-Hatimpur, P.S.-Vidyapati Nagar, District-Samastipur
12. Sangita Kumari Wife of Vijay Kumar R/o Semiri, P.S.-Vidyapati Nagar, District-Samastipur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Zeyaul Hoda
For the Respondent/s : Mr. Upendra Pratap Singh.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 10-01-2023

Heard Mr. Ziyaul Hoda, the learned Advocate for



the petitioners and Mr. Upendra Pratap Singh, the learned counsel for the State.

All the the three petitioners had applied for grant license against different advertisements and in the merit list which was prepared, the petitioner no. 1 was placed at the top whereas, the petitioner nos. 2 and 3 were much above in the ladder than respondent nos. 9, 10 and 12. However, in the final determination, none of the petitioners were granted license and no reason also was assigned for rejecting their candidature even though all three of the petitioners were ranked above respondent nos. 9, 10 and 12, who have been granted license against different vacancies.

For the nature of controversy raised by the petitioners 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 deem it appropriate to direct that in the event of the petitioners making a suitable representation / complaint



before the concerned Divisional Commissioner within a period of 30 days, he shall look into the matter and after hearing all the stakeholders, including respondent nos. 9, 10 and 12, shall pass a final order within a further period of 60 days, giving reasons in support of the decision taken by him.

The order so passed by the authority shall be made available to the petitioners as well as respondent nos. 9, 10 and 12 forthwith.

We have specifically asked respondent nos. 9, 10 and 12 to be heard by the Divisional Commissioner as the present order is being passed in their absence.

The writ petition stands disposed of accordingly

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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