

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7783 of 2022

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Sehra Khatoon, Wife of Mojahid Ansari @ Mohahiddin Ansari, Resident of Village- Mathbal Govind, Ward No. 08, P.O.-Saraiya, P.S.-Sahebganj, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate-Cum-Chairman, District Level Selection Committee, Muzaffarpur.
4. The Sub-Divisional Officer (West), Muzaffarpur.
5. The District Supply Officer-Cum-Secretary, District Level Selection Committee, Muzaffarpur.
6. The Block Supply Officer, Sahebganj (Muzaffarpur).
7. Poonam Kumari Wife of Sri Rajesh Sah Resident of Village and P.O.- Saraiya, P.S.-Sahebganj, District-Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Pandey- Advocate
For the State	:	Mr. Upendra Pratap Singh- Advocate

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

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

4 10-01-2023 Heard Mr. Sunil Kumar Pandey for the

petitioner and Mr. Upendra Pratap Singh for the State.

The petitioner had applied for grant of license in

the past and had also tried to defend the objection

against her candidature.

When she was not recommended for grant of



license, she approached this Court wherein a direction was given to prefer an appeal against the decision of the District Selection Committee not granting license to her.

Instead of the Collector himself hearing the appeal, he placed the matter before the District Selection Committee of which he was the Chairman and reiterated the decision that the petitioner does not deserve to be granted license as there were other more suitable candidate.

The petitioner grieves that even though she has the requisite qualification, has computer ability and is also older in age to the person who has been granted license, but her case was not considered.

The further grievance is that the Collector ought to have heard the case in appeal, but wrongly the issue was placed before the District Selection Committee for reconsideration.

The fact of the matter remains that the petitioner has not been granted license and the



procedure for her being non-suited is what has been questioned in the present petition.

Considering the nature of controversy raised by the petitioner 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 petitioner 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 no. 7, 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 petitioner as well as respondent no. 7 forthwith.



We have specifically asked respondent no. 7 to
be heard by the Divisional Commissioner as the present
order is being passed in his absence.

The writ petition stands disposed off
accordingly.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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