

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10473 of 2019

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Smt. Nibha Mishra @ Nibha Kumari Wife of Sri Ranjeet Kumar Mishra
Resident of Village- Khanpur, Panchayat Khanpur (North), Block, P.O. and
P.S.- Khanpur (PIN- 848117) and District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Old Secretariat, Patna.
2. The Collector-cum-District Magistrate, Samastipur.
3. The District Selection Committee, Samastipur through its Chairman cum District Magistrate, Samastipur.
4. The District Supply Officer, Samastipur.
5. The Sub-Divisional Officer, Samastipur.
6. Sri Nitish Kumar Son of Vijay Lal Resident of Village Khanpur, Panchayat Khanpur (North), Block, P.O. and P.S.- Khanpur (PIN- 848117) and District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Agrawal, Adv.
For the Respondent/s : Mr. Alok Ranjan

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

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 12-01-2023 Heard Mr. Ramesh Kumar Agarwal, the learned

Advocate for the petitioner and Mr. Alok Ranjan, the

learned counsel for the State.

The petitioner is aggrieved by grant of license

to respondent No. 6, even though the petitioner was

ranked first in the merit list.



It appears that the petitioner's case was not considered for final selection as the certificates of academic qualification were not signed by the competent authority.

The learned counsel for the petitioner has submitted that in the absence of any accusation of those certificate being forged and fabricated, such lapse on the part of such authority who was required to sign those certificates, the petitioner ought not be excluded from the zone of consideration.

In view of the controversy raised by the petitioner as also 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 that in case the petitioner files a suitable representation before the 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. 6, 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. 6 forthwith.

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

The writ petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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