

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9416 of 2022

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Krishna Dev Kumar Son of Kishori Mahto Resident of Ward No. 14, Village-
Pure, P.O. Ramchandra, Pure, Police Station, Lakhnour, District Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Chief Secretary Bihar, Patna.
3. The Principal Secretary, Food and Civil Supply Department Bihar, Patna.
4. The Commissioner, Darbhanga Division Darbhanga.
5. The District Magistrate, Madhubani.
6. The District Supply Officer, Madhubani.
7. The Sub-Divisional Officer, Jhanjharpur.
8. The Sub-Divisional Supply Officer, Jhanjharpur.
9. The Block Supply Officer, Lakhnour, Madhubani.
10. Pankaj Kumar Son of Kusheshwar Mahto. Resident of Village and P.O. Bela,
P.S. Lakhnour, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prafull Chandra Jha, Adv.
For the Respondent/s : Mr. S. Raza Ahmad (Aag 5)

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

3 20-12-2023 Heard the learned counsels for the parties.

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

*“i. For quashing the final
merit list dated 25.02.2019 signed under
Chairmanship of the district magistrate,
Madhubani and other respondents
whereby and where under the respondent*



no. 10 has been selected as P.D.S. Dealer instead of the petitioner in Beloncha Gram Panchayat under Lokhnour Block whereas the petitioner fulfills all the criteria i.e. 65.38% marks in Graduation and the respondent no. 10 has only 62.8% marks in Intermediate which is less than the petitioner but the respondent authorities ignoring all the norms/ guideline and selected the respondent no.10 as P.D.S. Dealer in Beloncha Gram Panchayat under Lakhnour block which is completely illegal in the eye of law.

ii) For directing the respondent authorities to remove the respondent no. 10 who has been illegally selected as P.D.S. Dealer violating all the norms and select the petitioner as P.D.S. Dealer on the ground that the petitioner has obtained 65.38% marks in graduation, one year computer course, fulfills all the criteria which is necessary for the P.D.S. Dealer.

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)

Gauravkr/-

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