

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11238 of 2022

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Sangeeta Kumari, wife of Pawan Kumar Sharma, resident of village- Lalganj,
P.O.- Samaila, P.S.- Keoti, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate-cum-Chairman District Selection Committee, Darbhanga.
2. The District Supply Officer, Darbhanga.
3. The Licensing Officer-cum-Sub-Divisional Officer, Darbhanga, Sadar cum-District Selection Committee.
4. The District Co-operative Officer, Darbhanga.
5. The Block Development Officer, Keoti, Darbhanga.
6. Smt. Babita, W/o Dev Mandal, R/o Village- Dahipura, P.O.- Samaila, P.S.- Keoti, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Shahnawaz Ali- Advocate
For the State	:	Mr. Anisul Haque- 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)

2 07-02-2023 Heard the learned counsel for the parties.

The petitioner is aggrieved by grant of P.D.S.

licence to respondent No. 6.

It appears from the writ petition that the claim

of the petitioner has been rejected on the ground that

she had been a Ward Member and, therefore, the

disqualification provided under Rule-11 applied to her.



Mr. Shahnawaz Ali, however, has submitted that the disqualification runs only till the currency of the candidate holding such position. This being the situation, the disqualification has to be considered on the date when a decision is being taken and not on the date when application is solicited or the same is filed.

At the least, Mr. Shahnawaz Ali submits that the issue is debatable.

In view of the 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. 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 Deputy Commissioner 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 her absence.

The writ petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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