

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14513 of 2019

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Pravin Kumar Sharma Son of Jai Chandra Kumar Sharma Resident of Village
and Post Office- Bharthua, Ward No.4, P.S. Aurai, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, Muzaffarpur.
4. The District Supply Officer, Muzaffarpur.
5. The Sub Divisional Magistrate, East, Muzaffarpur.
6. Ujjwal Kumar Son of Vijay Kumar Rai Resident of Village and P.O. Bharthua, P.S. Aurai, District- Muzaffarpur.
7. Arun Kumar Son of Upendra Rai Resident of Village and P.O. Bharthua, P.S. Aurai, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha
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 20-01-2023 Heard Mr. Nachiketa Jha, the learned Advocate

for the petitioner and Mr. Alok Ranjan, the learned

Advocate for the State.

The petitioner is aggrieved by grant of license

to both the private respondent Nos. 6 and 7 on the

ground that their selection as licensees was not in



accordance with the provisions contained in the Bihar Targeted Public Distribution System (Control) Order, 2016.

It has been submitted on behalf of the petitioner that they have been selected in different categories than what they had applied for and that they were not even recommended by the authorities for being selected by the District Selection Authority.

In view of the nature of controversy raised by the petitioner against the grant of license to private respondent Nos. 6 and 7, we deem it appropriate to relegate the matter to the Divisional Commissioner 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.

Should a suitable representation / complaint be made by the petitioner before the concerned Divisional



Commissioner within a period of 30 days, the Divisional Commissioner shall look into the matter and after hearing all the stakeholders, including respondent Nos. 6 and 7, shall pass a reasoned order within a further period of 60 days.

We have specifically asked for giving hearing to respondent Nos. 6 and 7 as the present order is being passed in their absence.

Needless to state that the Divisional Commissioner shall pass a reasoned order and shall make available the copies of such order to all the stakeholders, forthwith.

With the afore-noted observation/direction, the writ petition is disposed of accordingly.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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