

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13758 of 2023

=====

Mohammad Shahwaz Akhtar, Son of Mohammad Shamim Ahmad, Resident of Khalifa Tola, Ward No. 6, Roh, Police Station Roh, District-Nawada and Chairman of Bhimrao Ambedkar Self Help Group, Village-Roh, Post and Police Station Roh, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies Department, Government of Bihar, Patna.
2. The District Magistrate, Nawada.
3. The District Supply Officer, Nawada.
4. The Sub Divisional Officer, Rajauli, Nawada.
5. The Block Supply Officer, Roh, Nawada.
6. District Level Selection Committee Nawada under the Chairmanship of District Magistrate, Nawada.
7. Shri Sujeet Kumar son of Shri Suresh Ram, resident of Village-Roh, Panchayat-Roh, Block and Police Station Roh, District-Nawada.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate.
For the Respondent/s : Mr. Arvind Ujjwal, SC-4.

=====

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

2 02-12-2023 Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the
following reliefs:-

“The present writ application is being filed for appropriate writ/writs, direction/directions for setting aside the order dated 06.09.2022 passed by the District Level Selection Committee, Nawada under the Chairmanship of District Magistrate, Nawada whereby and whereunder the claim of the petitioner for



issuance of P.D.S. License on the ground that as per the gazette notification the said license has to be granted in favour of the person who belongs to Bhimrao Ambedkar Self Help Group has been rejected and further for issuance of direction to the respondent authorities to cancel the P.D.S. to License bearing No. 12/2018 issued in favour of the Respondent No. 7 namely Sujeet Kumar with immediate effect and/or for any other relief or reliefs to which the petitioner may be found entitled to in course of hearing of this writ application.”

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. 07 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.

6. 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 party.

7. With the above direction, the present writ petition stands disposed off to the extent indicated above.

(A. Abhishek Reddy , J)

shakir/-

U			
---	--	--	--

