

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12822 of 2023

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Kumari Mamta Devi D/o Rajeshwar Mukhiya, Resident of Village Daldal,
Block - Madhepur, P.S.- Bheja, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies,
Patna.
2. The District Magistrate, Madhubani.
3. The District Supply Officer, Madhubani.
4. The Sub Divisional Officer, Jhanjharpur.
5. The Block Supply Officer, Madhepur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suraj Narain Yadav
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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

2 19-10-2023 Heard the learned counsels for the parties.

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

*“ For issuance of a writ
in the nature of Mandamus and/or
any other appropriate writ, order or
direction commanding upon the
respondents to consider the case of
the petitioner for selection as PDS
dealer for Parwalpur Gram
Panchayat, Block- Madhepur,
District Madhubani which has been
rejected by decision taken by the
District Selection Committee in its
meeting dated 04.02.2021 vide
Clause Vii due to non submission of
caste certificate and the post was
kept vacant”*

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. Learned counsel appearing on behalf of the petitioner states that the provisional merit list was published on 01.12.2018, wherein name of the petitioner was placed at Serial No. 2 and one Meera Kumari who was also one of the applicant was placed at Serial No. 1. Learned counsel further submits that petitioner filed her objection so far as applicant Meera Kumari is concerned as her husband has Flour Mill, therefore, Meera Kumari is not entitled to be selected as PDS Dealer.

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 Meera Kumari as a PDS 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)

Bhardwaj/-

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