

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15547 of 2022

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Seempi Kumari, wife of Upendra Kumar, Resident of Devkali, P.O.- Belchhi Sharif, P.S.- Manpur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar at Patna.
2. Principal Secretary, Food and Consumer Protection Department, Bihar at Patna.
3. The District Magistrate-cum-Collector, Nalanda, District- Nalanda.
4. The Chairman-cum-District Selection Committee, PDS, Nalanda, District- Nalanda.
5. The District Supply Officer-cum-Public Information Officer, Nalanda, District- Nalanda.
6. The Divisional Commissioner, Patna, District- Patna.
7. The Sub-Divisional Officer, Biharsharif, District- Nalanda.
8. District Public Grievance Redressal Officer, District- Nalanda.
9. Md. Akil Ahmad Khan Son of not known, Resident of village- Palatpura, P.S. Manpur, District- District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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

2 28-08-2023 Heard the parties.

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

*“(i) That the present writ application is being filed
in the nature of Certiorari for quashing the
order dated 11.07.2022 bearing
Supply Case No. 03/2022 passed by the
District Public Redressal Forum Officer,
Nalanda by which the application filed by the
petitioner in the light of CWJC No. 15856 of
2021(Seempi Kumar Vs. State of Bihar)*



before the Collector-cum-District Magistrate, Nalanda has been rejected; on the ground that the Public District Redressal Forum has no jurisdiction to entertain such application, the Collector is having no jurisdiction to decide the matter as the said authority has appointed the private respondent, the authority cannot be the judge of his own cause, the entire action is in teeth of settled principle of law;

(ii) That the present writ application is being filed in the nature of Mandamus for a direction to not appoint any PDS licensee in Block Bihar Sharif/Panchayat/Ward No.- Palatpura, under Roster No. 263 under unreserved category on the post of PDS Licensee under Bihar PDS Control Order, 2016.”

3. Learned counsel appearing on behalf of the petitioner has stated that Appellate Authority vide impugned order dated 11.07.2022 bearing Supply Case No. 03/2022 has not decided the matter on merits but simply rejected the complaint on the sole ground that the Collector-cum-District Magistrate did not have the power to decide the complaint made by the petitioner.

4. Learned counsel has stated that subsequently a notification is issued by the Government on 21.07.2022, as per the said notification, the Divisional Commissioner has been given the power to decide the complaints if any made. Therefore, the learned counsel states that the petitioner may be permitted to file a complaint before the Divisional Commissioner without reference to the order impugned dated



11.07.2022 bearing Supply Case No. 03 of 2022.

5. Having regard to the above made submission, the impugned order dated 11.07.2022 is set aside and the petitioner is granted liberty to file a complaint before the Divisional Commissioner within a period of four weeks from today. On such complaint being filed, the Divisional Commissioner shall put all the parties on notice specifically Respondent No. 9 herein and give him an opportunity of submitting his objections and thereafter, pass orders on merits. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks thereof.

6. With the above observations, the present writ petition stands disposed off.

(A. Abhishek Reddy , J)

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