

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13837 of 2023

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Hema Kumari, W/o - Chandrashekhar Bhagat, Resident of-Madarsa Choak,
P.O. and P.S. - Barhara Kothi, District - Purnia, Bihar - 854203.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.
2. The Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.
3. The Divisional Commissioner, Purnia Division, Purnia.
4. The District Magistrate-cum-Collector, Purnea.
5. The District Selection Committee, Purnea.
6. The District Supply Officer, Purnia.
7. The Sub-Divisional Officer-cum-Licensing Authority, Dhamdaha, District - Purnia.
8. The Block Supply Officer, Block - Barhara Kothi, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Aatish Kumar, Adv
For the Respondent/s : Mr.Arvind Ujjwal (SC 4)

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

2 17-10-2023 Heard the parties.

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

“(i). For quashing the order dated 21.06.2022 in Supply Revision Case No. 58/2022 passed by Respondent No. 3, The Divisional Commissioner, Purnia Division, Purnia whereby and wherein the said Supply Revision Case preferred by the Petitioner(in compliance with the order dated 11.03.2022 passed in CWJC No. 8509/2019), has been rejectedand further ordered the District Supply Officer, Purnia



to initiate the process of selection within three months for the vacant post of PDS Dealer/Vendor in the said Panchayat in question of Block -Barhara Kothi, which is not sustainable in the eye of law in view of the material evidence, establishing the application of the petitioner to be complete and being held satisfactory after the due verification, certifying the application to be complete by the competent authority, which is/was available on record.

II. To direct the respondents to allow the petitioner to run the Public Distribution Shop at Block -Barhara Kothi, Panchayat - Barhara Kothi, Sub-Division - Dhamdaha, District - Purnia on being otherwise eligible, fulfilling all the criteria required for selection and on being at the serial no. I of the merit list which was prepared after due verification by the concerned Respondents since, there is no PDS Shop presently running in the said Panchayat, after the resignation of earlier allottee on account of his long-time illness and disease, and he died and thus, the beneficiary of the said Panchayat has been forced to be deprived of getting the benefits of PLS Scheme which rupture the spirits of PDS Scheme and Aims and Objectives of the Bihar Targeted Public Distribution System (Control) Order, 2016”.

3. Without going into the merits or demerits of the case, having regard to the facts that the petitioner has an alternative and efficacious remedy of filing a representation to ventilate her grievance before the Principal Secretary, **under**



Rule 32(vii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 against the impugned order. The present writ petition is disposed of granting liberty to the petitioner to file a representation before the Principal Secretary, **under Rule 32(vii) of the Bihar Targeted Public Distribution System (Control) Order, 2016**, withing a period of two weeks from today. On such representation being made, the same shall disposed of strictly in accordance with law as expeditiously as possible preferably within a period of four weeks.

4. It is needless to mention that before passing any order the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated to the parties.

5. With the above directions, the present writ petition stands disposed off.

(A. Abhishek Reddy , J)

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