

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19098 of 2019

=====

Chaniya Devi, aged about 31 years, female, W/o Ramchandra Singh, Resident of Village- Panchmahul, Panchayat- Aathan, P.S.- Adhaura, District- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector-cum-Chairman District Level Selection Committee, Kaimur at Bhabhua.
3. The Collector-cum-District Magistrate, Kaimur at Bhabhua.
4. The Sub-Divisional Officer, Mohaniya, District- Kaimur.
5. Ayasha Begum, W/o Sahid Nawaz, Resident of Village- Tala, Panchayat- Jamuninagar, P.S.- Aghura, District- Kaimur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Adv.

For the State : Mr. Upendra Pratap Singh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 06-02-2023

Heard Mr. Dhananjaya Nath Tiwari, the learned Advocate for the petitioner and Mr. Upendra Pratap Singh, the learned counsel for the State.



2. The petitioner is a person hailing from B.C. community from the same *Panchayat* where the P.D.S. license was to be given. However, for the vacancy meant for E.B.C. category, the private Respondent No. 5 has been selected even though she does not hail from the same Panchayat.

3. Mr. Tiwari submits that according to Rule 8 of the Bihar Targeted Public Distribution System (Control) Order, 2016, a person hailing from the same *Panchayat* is to be given priority. He further submits that in the present case, the advertisement itself prescribed that in the event of no candidate turning-up for the category of the vacancy, person of the other category could be adjusted. Without resorting to this mechanism as prescribed in the advertisement, a candidate (Respondent No. 5) of E.B.C. category was selected even though she hailed from a different *Panchayat*.

4. Regard being had to the nature of



controversy raised and 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, we direct that in case the petitioner approach the Divisional Commissioner with a suitable representation/complaint within a period of 15 days, he shall look into the matter and after giving hearing to all the concerned parties, including the private Respondent No. 5, shall pass a final order within a further period of 60 days, giving reasons in support of the decision taken by him.

5. The order so passed by the Divisional Commissioner shall be made available to the petitioner as well as private Respondent No. 5 forthwith.

6. We have specifically asked for the private Respondent No. 5 to be heard by the Divisional Commissioner as the present order is being passed in



her absence.

7. With the aforesaid observation/direction,
the writ petition stands disposed off.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07.02.2023
Transmission Date	N/A

