

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19241 of 2019

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Bipin Kumar, son of Late Krishnadeo Prasad Singh Resident of Village-
Berae, Police Station- Hathauri, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate, Muzaffarpur.
5. The Sub Divisional Magistrate (East), Muzaffarpur.
6. The District Supply Officer, Muzaffarpur.
7. The District Level Selection Committee, Muzaffarpur, through its Chairman, District Magistrate, Muzaffarpur.
8. Sub-Divisional Officer-cum-Licensing Authority, East Muzaffarpur.
9. Sri Chandan Ram, son of Sri Krishnadev Ram, Resident of Village and Post-Berae South, Block- Katra, District- Muzaffarpur.
10. Sri Ranjit Kumar, son of Sri Jaikaran Rai Resident of Village and Post-Berae, Block- Katra, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar, Adv.

For the Respondent/s : Mr. Arvind Ujjawal (SC4)

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

4 28-08-2023 Heard the parties.

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

“That the petitioner has filed the
present writ application for quashing of the
proceeding of District Level Selection
Committee, Muzaffarpur held on 09.03.2019,
so far as it relates to the selection of the
private respondent no.-9 & 10 as licensee of a



Public Distribution Shop under Berai South Panchayat, which falls under Katra Block of Muzaffarpur District.

The aforesaid recommendation for issuance of license to the private respondent no.9 & 10 is contrary to the decision of the State Government to have one fair price shop for the population of 1900 in rural areas on the basis of the census data prevailing, which is prescribed in Rule 9(i) of Bihar Targeted Public Distribution System (Control) order, 2016 (herein after to be referred as "Control Order, 2016"). The said recommendation is in teeth of the Rule 12 of the Control Order, 2016."

3. Learned counsel appearing on behalf of the petitioner has stated that the Appellate Authority vide impugned order dated 23.07.2019 (Annexure P/7 of the I.A. No. 1 of 2023) has not decided the matter on merits but has simply rejected the complaint on the ground that the Divisional Commissioner did not have the power to decide the complaint.

4. Learned counsel has stated that as per the notification issued by the Government on 21.07.2022, 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 23.07.2019 in P.D.S. Revision Case No. 99 of 2019.

5. Having regard to the above made submission, the



impugned order 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 all put the parties on notice specifically Respondent Nos. 9 and 10 herein and call for their explanations 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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