

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14921 of 2023

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Rijvana @ Rijvana Praween @ Bibi Rizwana Perween, Wife of-Asad Reza @
Md Asad Raza, Resident of village-Taran ward no.-13, P.O-Duba P.S-Jokihat
District-Araria

... .. Petitioner/s

Versus

1. The State of Bihar Through the Secretary, Food and Consumer Protection Department, Old secretariat, Patna.
2. The Director, Food and Supply Department, Bihar, Patna.
3. The Divisional Commissioner Purnia District-Purnia.
4. The District Magistrate Araria District- Araria.
5. The Sub Divisional Officer (SDO) Araria, District- Araria.
6. The District Supply Officer Araria District- Araria.
7. The Block Supply Officer Jokihat, District- Araria.
8. Bibi Salma Begum Wife of Rahmat, Resident of village-Taran ward no.-13, P.O-Duba P.S-Jokihat District-Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar, Adv.
For the Respondent/s : Mr. Arvind Ujjwal (SC 4).

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

2 11-12-2023 Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the
following reliefs:-

“(i)For quashing the order of Respondent No. 3 Divisional Commissioner, Purnia dated 29.08.2023 in supply Revision No. 233/2022 whereunder Respondent No. 3 illegally dismissed the supply revision of the petitioner without applying judicial brain. Aforesaid order is illegal and without jurisdiction and fit to be set aside. Said revision filed against the order of learned District Magistrate Araria in PDS Appeal No. 20/2021 order dated 10.09.2022.



(ii) For set aside the order of District Magistrate Araria dated 10.09.2022 in PDS Appeal No. 20/2021 by which District Magistrate Araria dismissed the appeal of the petitioner and confirm the order of PDS license of Respondent No. 8 which was illegally issued in favour of Respondent No. 8 which was illegally issued in favour of Respondent No. 8 in place of the petitioner, the petitioner is already selected as PDS Dealer and issued final merit list according to law. But not given license and change his mind on the ground that the application is not filed in Schedule 1. On this basis, the petitioner not selected by Respondents. Laws says once application been accepted never it may be rejected on the aforesaid ground.

(iii) It is also further prayed that may issue the PDS License in favour of the petitioner. She is first in merit list and already selected.”

3. Learned counsel appearing on behalf of the respondents has stated that the application of the petitioner was rejected on the ground that the same was not filed in the prescribed format. Therefore, the order of rejection as well as the order of appeal is in consonance with the provisions of the Act that and the present writ petitioner is not maintainable.

4. Learned counsel for the petitioner has stated that the petitioner may be permitted to make a representation before the Principal Secretary under Section 32 (vii) of the Bihar Targeted Public Distribution System (Control) Order.

5. Having regard to the above made submission, the present writ petition is disposed off granting liberty to the



petitioner to approach the Principal Secretary under Section 32 (vii) of the Bihar Targeted Public Distribution System (Control) Order within four weeks from today. On such representation being made, the authority concerned shall deal with the same strictly in accordance with law.

6. With the above directions, the present writ petition stands disposed off to the extent indicated above.

(A. Abhishek Reddy , J)

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