

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19972 of 2018

Vikas Mishra, Son of Late Jaikrishna Mishra, Resident of Village- Diwandih,
Ward No. 4, Police Station- Korha, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate-cum-Collector, Katihar, At and PO- Katihar, District- Katihar.
3. The District Supply Officer, Katihar AT and PO Katihar, District- Katihar.
4. The Sub Divisional Officer-cum-Licensing Authority Katihar At and P.O.- Katihar, District- Katihar.
5. The Block Supply Officer, Kodha, At and P.O. Kodha, District- Katihar.
6. Md. Imtiyaj Alam, Son of Md. Ezaz Alam, Resident of Village- Pabai, Police Station- Kodha, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Akansha Malviya, Adv
		Mr. Akash Keshav, Adv.
For the Respondent/s	:	Mr.S.Raza Ahmad -AAG-5

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

3 15-12-2023 Heard the learned counsels for the parties.

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

“(i) For quashing of the order granting licence of Public Distribution shop (PDS shop) to Respondent No.6 as contained in tabular format mentioning that the application for licence of the petitioner has been rejected on the ground of lesser percentage of marks, than the selected candidate and granting licence to the Respondent No.6 on the ground that he fulfils all the criteria for grant of licence of PDS shop, whereas the Respondents committed irregularity in selection process to see that the Respondent No.6 is selected



and granted licence.

*A copy of the order in tabular format showing rejection of application of petitioner and grant of licence of PDS shop to Respondent No.6 is annexed herewith and marked as **Annexure-1** to this application.*

(ii) For holding that in the facts and circumstances the Respondent No.6 was not competent for grant of PDS shop licence in preference to the petitioner as till the last date for submission of application for issuance of licence as also till the date of scrutiny of application Respondent No.6, was only Intermediate and the petitioner was a graduate, however, much after the scrutiny which completed in July 2017, the mark-sheet/result of of graduation of the Respondent No. was inserted and he was shown to be a better candidate than the petitioner and selected him.

(ii) For holding that the petitioner who fulfils all the criteria for grant of PDS shop licence to him and he was a better candidate amongst all the six candidates who had applied for grant of licence of PDS shop in Village-Pabai, thus, was entitled for grant of licence in his favour.

(iv) For commanding the Respondents to conduct an enquiry in the selection procedure conducted by the selection committee at Katihar and fix the responsibility of irregularity committed in such selection.

(v) For commanding the Respondents to consider the candidature of the petitioner afresh on the basis of eligibility and qualification till the last date of submission of application form and grant licence to the petitioner.

(vi) For any other other appropriate relief or reliefs, order or orders direction or directions to which the petitioner is deemed entitled to.”



3. Even though the learned counsel appearing on behalf of the petitioner has argued at length on merits of the case, this Court is not inclined to go into the same as the petitioner has an alternative and efficacious remedy of filing a complaint before the Divisional Commissioner.

4. Learned counsel appearing on behalf of the respondents states that as per the amendment order *Bihar Targeted Public Distribution System (Control) Second Amendment Order, 2022*, the Divisional Commissioner is the competent authority for disposing off any complaint or representation made by an aggrieved party.

5. Without going into the merits or demerits of the case, having regard to the fact that the petitioner has a remedy of filing a complaint before the Divisional Commissioner as per the amendment made vide notification dated 21.07.2022 under Bihar Targeted Public Distribution System (Control) Second Amendment Order, 2022. The petitioner is directed to approach the Divisional Commissioner ventilating his grievance against a selection of the Respondent No. 6 as a PDS dealer within a period of four weeks from the date of receipt of a copy of this order. On receipt of the complaint, the Divisional Commissioner shall pass orders strictly in accordance with law within a period



of eight weeks thereof. It is needless to mention that before passing any order, all the parties shall be put on notice and given an opportunity of hearing, besides submitting their objections. Any order passed shall be communicated to the parties.

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

(A. Abhishek Reddy , J)

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