

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25815 of 2019

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Sanjo Devi, Wife of Sajjan Sah, Resident of Vill-Mohanpur, P.S.-Morkahi,
Distt-Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, New Secretariat, Patna.
2. Principal Secretary, Food and Consumer Protection Department, New Secretariat, Patna.
3. The District Magistrate, Khagaria.
4. The Sub Divisional Officer, Khagaria.
5. The District Supply Officer, Khagaria.
6. Barun Kumar, Son of Late Rajendra Mahto, Resident of Vill-Khutha, P.S.-Morkahi, Distt-Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jyoti Ranjan Jha, Adv.
For the State : Mr. Upendra Pratap Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

3 12-01-2023 Heard Mr. Jyoti Ranjan Jha, the learned advocate

for the petitioner, Mr. Upendra Pratap Singh, the learned

counsel for the State.

Though, the notice sent to respondent no. 6 has

been received by his father but there is no appearance on his

behalf.

We do however record that no affidavit of jointness



has been filed by the petitioner.

The petitioner is aggrieved by the grant of license to respondent no. 6 to her exclusion even though the situs of shop offered by the respondent no. 6 is beyond 2 kms. It is actually at a distance of 4 kms from the place where it should be. In that regard a serious complaint has been made by the local persons but it has fallen on deaf ears.

The respondent no. 6, according to the petitioner, hails from B.C. category, whereas the advertisement for filling up the position was for EBC category. The petitioner comes under the E.B.C. category and has a special position because of her being a female. She is older in age to respondent no. 6 also.

On these grounds, the petitioner urges that the license granted to respondent no. 6 be cancelled and instead be given to her.

In view of the controversy raised by the petitioner 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 deem it appropriate to direct that in the event of the petitioner making a suitable representation/ complaint before the concerned Divisional Commissioner within a period of 30 days, he shall look into the matter and after hearing all the stakeholders, including respondent no. 6, shall pass a final order within a further period of 60 days, giving reasons in support of the decision taken by him.

The order so passed by the authority shall be made available to the petitioner as well as respondent No. 6 forthwith.

We have specifically asked respondent no. 6 to be heard by the Divisional Commissioner as the present order is being passed in his absence.

The writ petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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