

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18900 of 2018

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Sanjay Kumar Sahani Son of Bikau Sahani Resident of Village- Arai, P.O.
Birdipur P.S.Simari, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector-Cum-Chairman, District Selection Committee, Darbhanga,
District- Darbhanga.
3. The Sub- Divisional Officer- Cum-Licensing authority, Sadar, Darbhanga,
District- Darbhanga.
4. Guddu Kumar Son of Ram Sevak Sahani Resident of Village-Arai, P.O.
Birdipur, P.S. Simari, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Narayan, Adv.
For the Respondent/s : Mr. Arvind Ujjwal-Sc4, 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)

2 13-01-2023 Heard the learned counsel for the parties.

Mr. Amrendra Narayan, learned Advocate for the petitioner has drawn the attention of this Court to the fact that the petitioner was not granted licence despite his having been recommended as the most suitable candidate, only on the ground that one of his family members owns a flour mill and, therefore, the disqualification, as contemplated in the Control Order of



2016, attaches to the case of the petitioner.

Mr. Narayan has argued that the matter was inquired by the Additional Collector, who has submitted a report that no doubt flour mill is owned by one of the family members of the petitioner but the petitioner is absolutely separate in mess and business from the aforesaid person, who owns the flour mill.

In such situation, attaching any disqualification on the petitioner is not only illegal but it does not serve the purpose for which such disqualification clause has been incorporated in the Control Order of 2016.

In view of the nature of controversy raised by the petitioner as also taking into account 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 the event of the petitioner making a suitable representation/complaint before the



concerned Divisional Commissioner within a period of thirty days, the Divisional Commissioner shall look into the matter and after hearing all the stakeholders, including respondent No.4, shall pass an appropriate order within next sixty days.

We have specifically asked for respondent No.4 to be heard by the Divisional Commissioner for the reason that this order has been passed in his absence.

With the afore-noted direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

Rishabh/Krishna

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