

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22409 of 2018

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Laxmi Mahto W/o Suraj Kumar Resident of Village-Simraha, Ward No.6, P.S.
Madhepura, Distt.-Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food & Consumer Protection Department, Old Secretariat, Patna.
2. The District Level Selection Committee, Madhepura through its Chairman
3. The District Magistrate, Madhepura
4. The Sub-Divisional Officer, Madhepura
5. The Block Supply Officer, Madhepura, Madhepura
6. Anil Kumar Son of Gopi Sah Resident of Village-Simraha, Ward No.7, P.S.
Distt.-Madhepura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate
For the Respondent/s : Mr. Anisul Haque, Advocate

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

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

4 09-01-2023 Heard Mr. Vijay Anand, learned Advocate
for the petitioner and Mr. Anisul Haque for the
State.

The application of the petitioner for grant
of license has been primarily rejected on the
ground that two persons from the same family had
applied for such license.

Apart from declaring such ground to be
vague, the learned counsel for the petitioner has



submitted that a different ground for rejection is being suggested by the State in the counter-affidavit that there is no vacancy in Ward No.6 for which the petitioner and his relative had applied.

Be that as it may, license has been granted to Anil Kumar, who has been impleaded in the present petition as respondent no.6 for Ward No.7.

In that view of the matter, there should not be any grievance of the petitioner with the selection of respondent no.6 as he has been granted license for a different ward for which the petitioner had not applied.

Be that as it may, on the ground that both the applicants belonging to the same family have not been considered for being granted license, the petitioner argues that a fresh opportunity be given to him to agitate his cause before the Divisional Commissioner, 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 concede to such a request.

Should a suitable complaint be filed by the petitioner within a period of 30 days before the Divisional Commissioner, it shall be looked into and after affording reasonable opportunity of hearing to all the stakeholders and in case of any doubt over the grant of license to respondent no.6, respondent no.6 as well, a final order shall be passed within a period of 60 days thereafter.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

Rishi.Kr/Shivam/-

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