

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3553 of 2024

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Hemant Kumar S/o Shri Arjun Singh, Resident of Goraul, P.S.-Goraul,
District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary Food and Consumer Protection Department, Bihar, Patna.
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector cum Chairman, District Selection Committee, Vaishali at Hajipur.
4. The Sub-Divisional Officer cum Licensing Authority, Mahua, Dist. Vaishali.
5. Smt. Soni Kumari, W/o Mukesh Kumar, Resident of Goraul, P.O. and P.S.-Goraul, District-Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari
For the Respondent/s : Mr.Additional Advocate General 05

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

4 06-09-2024 Heard the learned counsels for the parties.

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

“(i) For issuance of a writ in the nature of certiorari for quashing the order contined in Memo No. 2050/Naza dated 03.10.2023 so far Respondent No. 5 is concerned by which the Respondent No. 5 has been selected as PDS dealer for panchayat Goruaul, P.S. Goraul, Dist. Vaishali.

(ii) for issuance of appropriate writ for quashing the issuance of PDS license No. 12/2023 issued in favour of Respondent No.5 by the Sub-Divisional Officer, Mahua-cum-



Licensing Authority.

(iii) for issuance of a writ in the nature of mandamus and/or appropriate writ directing the official Respondent to appoint the petitioner as PDS dealer in Goraul panchayat, Roster Point No.622 as ward of Freedom Fighter under Backward class in terms of direction issued by Secretary of the Department vide letter dated 17.2.2016 wherein 2% Horizontal reservation has to be given to and of freedom fighter.”

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 Commission 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. 5 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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