

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2905 of 2024

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Sunil Kumar Prajapati S/o- Kunjan Pandit, Resident of village- Sathaura, P.S-
Jitna, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food and Consumer, Protection Department, Govt. of Bihar, Patna.
3. The District Magistrate-cum-Chairman, District Level Selection Committee, East Champaran at Motihari.
4. The District Supply Officer-cum- Secretary, District Level Selection Committee, East Champaran at Motihari.
5. The Sub-Divisional Officer, Sikrahna at Dhaka, District- East Champaran.
6. The Block Supply Officer, Block- Bankatwa, District- East Champaran.
7. Rakesh Pandit, S/o- Satya Narayan Pandit, Resident of village- Jhanjhara, P.S- Jitna, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar, Adv.
For the Respondent/s	:	Mr. Government Pleader (25)
For the State	:	Mr. Ramadhar Singh, GP-25

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

2 03-05-2024 Heard the learned counsels for the parties.

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

*“i. For issuance of
appropriate order/orders,
direction/directions especially in nature
of certiorari directing commanding that
quashing the recommendation of District
Selection Committee on dated 28.11.2018
passed by District Magistrate-cum-
District Level Selection Committee, East*



Champaran at Motihari, where by and where under selection committee recommended the name of Rakesh Pandit (Resp. No-07) for allotment the license of fair price shop in place of petitioner who is listed at serial no-1 in the list of jhanjhara gram panchayat, village-Sathaura, P.S- Jitna, Block-Bankatwa, Sub-Division-Sikrahna, District- East Champaran.

ii. For issuance of appropriate order/orders, direction/directions to cancel the license of fair price of Rakesh Pandit (Resp. No-07) and granted license to the petitioner because petitioner is more qualified person than Resp. No-07.”

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. 7 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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