

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3059 of 2024

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Satyendra Sah Alias Satendra Sah S/o Shiv Sah R/o Village- Raghapur Purvi,
Ward No.- 10, P.O.- Raghapur (Chandel), Panchayat Raj- Raghapur Purvi,
P.S.- Jurawanpur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The Special Secretary, Department of Food and Consumer Protection, Government of Bihar.
4. The Commissioner, Tirhut Division, Muzaffarpur.
5. The Chairman-Cum-District Collector, District Level Selection Committee for P.D.S., Vaishali at Hajipur.
6. The District Magistrate, Vaishali at Hajipur.
7. The District Co-Operative Officer, Vaishali at Hajipur.
8. The District Panchayatiraj Officer, Vaishali at Hajipur
9. The District Supply Officer, Vaishali at Hajipur
10. Deputy Development Commissioner, Vaishali at Hajipur
11. Sub-Divisional Officer, Sub-Division Hajipur, Vaishali.
12. Om Prakash Sah S/o Rajbahadur Sah R/o Village- Raghapur, Ward No. 04, Panchayat Raj- Raghapur Pashchimi, P.S.- Jurawanpur, District- Vaishali.
13. Badri Sah S/O Rajbahadur Sah R/o Village- Raghapur, Ward No. 04, Panchayat Raj- Raghapur Pashchimi, P.S.- Jurawanpur, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Adv.
For the Respondent/s : Mr. Standing Counsel 18

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

3 19-07-2024 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
writ/writs, order/orders, direction/directions to*



the official respondents/authorities to expunge the name of private Respondents No. - 12 and 13 from the approved final merit list of Fair Price Shop published for Raghapur Purvi Panchayat under Raghapur Block within the District of Vaishali published under the provision of the Targeted Public Distribution System Control Order-2016 after proper verification of the genuineness of documents submitted by the private Respondents No. 12 and 13 with their application form.

(ii) For issuance of appropriate writ/writs, order/orders, direction/directions to the official respondents/authorities to allot the fair price shop to the petitioner as his name is next to the private Respondents No. 12 and 13 in approved final merit list of Fair Price Shop published for Raghapur Purvi Panchayat under Raghapur Block within the District of Vaishali published under the provision of the Targeted Public Distribution System Control Order-2106 after proper verification of petitioner's documents submitted with his application form."

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. 12 and 13 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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