

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3155 of 2024

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Bharti Kumari W/o Dharmendra Kumar, R/o Mohalla- Rahmatganj, Ward
No.- New 21, Old Ward No- 9, P.S.- Masaurhi, District- Patna ... Petitioner
Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection
Department, Government of Bihar, Patna.
2. Principal Secretary, General Administration Department, Government of
Bihar, Patna
3. The District Magistrate, Patna
4. Additional District Magistrate- Supply, Patna
5. Subdivisional Officer, Masaurhi, Patna
6. Additional District Supply Officer, Masaurhi, Patna.
7. Marketing Officer, Masaurhi, Patna.
8. Manish Kumar S/o Ajay Kumar, R/o Village- Kajichak(Bindal), Panchayat
and P.S.- Bhagwanganj, District- Patna. ... Respondents

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Appearance :

For the Petitioner : Mr.Satyendra Narayan Verma, Adv.
For the Respondents : Mr.Standing Counsel 01

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

2 19-06-2024 Heard the parties.

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

*“..... for issuance of an appropriate
writ/writs, order/orders, direction/directions
commanding the respondents to allot the Fair Price
Shop of Ward No. 9, Masaurhi to the petitioner, after
declaring her as selected candidate as the petitioner
is the only eligible candidate for the Shop of Ward
No.- 9, after cancelling the name of Respondent No.-
8 who's name is standing at Serial No.-17 in the list of
selected candidates issued by the Respondent
Subdivisional Officer, Masaurhi, Patna on 23.12.2023*



(Annexure-P1 of the Writ Petition). ”

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. 10 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 duly putting Respondent No. 8 on notice. 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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