

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10034 of 2023

Sunil Kumar Son of Sakaldeep Bhagat Resident of Mohalla- Chhoti Yusufpur,
Ward No. 37 of Hajipur Nagar Parishad, P.S. Hajipur Town, Dist.- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, Vaishali.
4. The District Supply Officer, Vaishali, Hajipur.
5. The Sub Divisional Officer, Hajipur, Vaishali.
6. The Block Supply Officer, Hajipur, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nityanand, Adv
For the Respondent/s : Mr.S. Raza Ahmad (AAG 5)

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

6 01-08-2024 Heard learned counsel for the parties.

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

“(A) A writ in the nature of certiorari or any other writ/s, order/s, direction/s for quashing the joint Provisional Merit List dated 23.05.2023 prepared for Serial No. 151 and 152 of Model Reservation Roster, with respect to the issuance of license of PDS shops, falling within Ward No.37 of Hajipur Nagar Parishad.

(B) A writ in the nature of mandamus or any other appropriate writ/s order/s direction/s for the following:-

(i) To hold that joint provisional list contained in Anneuxre-8 to the petition is non est in the eye of law.

(ii) To hold that the respondent has got no power to change the roster at the fag end of



selection proceeding.

(iii) To hold that the shop figured at Serial No. 151 of Model Reservation Roster is reserved for candidate of Schedule Caste category, as per the roster prepared at the initial stage of the selection.

(iv) To give effect to the Provisional Merit List, dated 01.08.2018 (Annexure-3) and 25.02.2023 (Annexure-7 to the petition)

(v) To grant the license of shop of PDS, to the petitioner with respect to shop figured at Serial No. 151 of Model Reservation Roster.

(B) Another other relief/s for which the petitioner is found entitled to.”

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, Tirhut Division, Muzaffarpur.

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 of 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 Commissioner,



Muzaffarpur 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 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, Respondent No.7 shall be put on notice and given an opportunity of hearing, besides submitting her objections. Any order passed shall be communicated to the parties.

6. With the above direction, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

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