

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12067 of 2022

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Rani Kumari wife of Prashun Prabhakar, resident of Village- Bahlolpur, P.S.-
Daudpur, P.S.- Paru, District- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate-cum- Chairman of the District Level Selection Committee, Muzaffarpur.
5. The District Supply Officer, Muzaffarpur-cum- Secretary of the District Level Selection Committee, Muzaffarpur.
6. The Sub- Divisional Officer, Muzaffarpur West-cum- Member of the District Level Selection Committee, Muzaffarpur.
7. Lalita Kumari, wife of Sonulal Choudhary, Village and P.O.- Khutahi, P.S.- Paru, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Adv.
For the Respondent/s : Mr. Arvind Ujjwal (Sc4)

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

3 01-10-2024 Heard the learned counsels for the parties.

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

*“That by filing present application
the Petitioner is seeking indulgence of this
Hon’ble court for issuance of appropriate writ,
order or direction for commanding upon the
respondents to finally select and allot license to
the Petitioner for running a PDS shop against
solitary BC (women) category vacancy falling*



under Khutahi Panchayat, Block- Paru, District- Muzaffarpur in as much as the Petitioner was the only candidate found qualified to be recommended for the PDS licence. This is further to hold and declare that selection of Lalita Kumari Lalita Kumari (Respondent No. 7) in place of Petitioner against BC (women) category vacancy falling under Khutahi Panchayat, Block- Paru, District- Muzaffarpur for PDS licence is illegal and invalid in as much as the Respondent No. 7 was found unqualified to be recommended PDS licensee.”

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)

Gauravkr/-

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