

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13697 of 2022

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Rajan Ram S/o Rambaran Ram, R/o Vill. Babhandih, P.O. - Gheora,
Panchayat - Bairaon, P.S. Risiap, Dist. - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Food and Civil and Supply Department, Govt. of Bihar, Patna.
2. The Commissioner, Magadh Range, Gaya.
3. The District Magistrate cum Collector Aurangabad, Dist. - Aurangabad.
4. District Food and Supply Officer Aurangabad.
5. The Sub Divisional Officer (S.D.O.) Civil, Aurangabad, Dist. Aurangabad.
6. The B.D.O. Kutumba Block, Dist. - Aurangabad,
7. The Panchayat Secretary, Bairaon Panchayat, Block - Kutumba, Dist. - Aurangabad,
8. Bhupendra Kumar, S/o - Yugal Ram, R/o Babhandih, P.O. - Gheora, P.S. - Risiap, Panchayat - Bairaon, Dist. - Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar No. 1, Advocate.
For the Respondent/s : Mr. Arvind Ujjwal (SC 4).

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

3 18-12-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the following reliefs:-

“(i) That the respondents be strictly directed to provide the PDS License to this petitioner forthwith, as this petitioner fulfills all required criteria demanded in Advt. No. 01/2017, whereas Respt, No. 7 does not fulfills all criteria but he has been selected for PDS license, which is absolute violation of Article 14,15 and 16 of the Constitution of India.



(ii) That selection of Resp. No. 7 for providing PDS license, may kindly be finally set aside.

(iii) That the respondents be also directed to provide PDS license to this petitioner on place of Resp. No. 7 because Resp. No. 7 has got no shop to open the center, column of shop availability is blank in Application Form of the Resp. No. 7, despite of that he has been selected for erroneous consideration.

(iv) That respts. Be directed to pay the appropriate cost and compensation for unnecessary mental, physical and economical harassment done by the illegal and unconstitutional acts of the respondents.”

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 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 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. 8 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 of.

(A. Abhishek Reddy, J)

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