

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15682 of 2022

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Md. Akbar, Son of Md. Jamal, resident of Village Mirzagaon, P.S. - Ishipur
Barahat, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar..
2. The Principal Secretary, Food and Consumer Protection Department,
Government of Bihar, Old Secretariat, Patna.
3. The District Magistrate, Bhagalpur.
4. The Sub-Divisional Officer, Kahalgaon, District - Bhagalpur.
5. The Block Development Officer, Pirpainty, District - Bhagalpur.
6. The Circle Officer Pirpainty Block District - Bhagalpur.
7. Ranjeet Kumar Sah, Son of Janardhan Prasad Sah, Resident of Village -
Mirzagaon, P.S. - Ishipur Barahat, District - Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Adv.
For the Respondent/s : Mr.Arvind Ujjwal (SC 4)

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

11 01-10-2024 Heard the learned counsels for the parties.

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

“1) For issuance of writ in the nature of
Certiorari for quashing the Letter No. 704
dated 7/8/2020 passed by the Sub-
Divisional Officer, Kahalgaon, the
respondent no.- 4 whereby and whereunder
without following the Principal of Natural
Justice cancelling the selection of petitioner
private respondent no.- 7 has been
selected/appointed for issuance of licence of
Fair Price Shop under Public Distribution
System (in short "PDS Shop") for the



Pyalapur Panchayat in Pirpainty Block under Kahalgaon Sub-division in the district Bhagalpur.

(ii) For issuance of further writ in the nature of Certiorari for quashing of the two enquiry reports issued in one day under same letter number i.e. Letter No.- 28 dated 24/04/2019 under the signature of the Block Supply Officer, Kahalgaon, the respondent no. 5 by which through first letter petitioner's selection for licence of new PDS Shop was recommended for cancellation and his place selection of another applicant namely Gaurav Anand can be done who is at Sl. No.- 7 of the provisional list however through second enquiry report of the Block Supply Officer, Kahalgaon issued on the same day under the same letter number, selection of Gaurav Anand for licence of new PDS Shop was recommended for cancellation and his place selection of another applicant namely Ranjeet Kumar Sah, the private respondent no.- 7 can be done.

(iii) For issuance of further writ in the nature of Mandamus commanding and directing the respondent authorities to issue the licence of PDS Shop in favour of petitioner after cancelling the licence of PDS Shop of the respondent no.- 7 for the Pyalapur Panchayat in Pirpainty Block under Kahalgaon Sub-division in the district Bhagalpur.

(iv) And/or for issuance of other consequential writ or writs, order or order and direction or directions as deem fit and proper in the facts and circumstance of the case.”



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. 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)

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