

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14998 of 2023

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Amar Kumar Sharma, Son of Late Suresh Sharma, Resident of Village and Post-Dularpur, Ward No.6, Panchayat-Kurkuri, Block-Garhani, P.S.-Garhani, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection Department, Govt. of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Bhojpur, Ara.
3. The Public Grievance Redressal Form, Ara Sadar.
4. The Sub-Divisional Officer, Sadar, Arrah.
5. Avinash Sharma, Gender-Male, S/o Gupteshwar Sharma R/Vill. Kurkuri, Block-Gurhani, Dist. Arrah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate.

For the Respondent/s : Mr. Arvind Ujjwal (SC 4).

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

5 05-12-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filed in the nature of certiorari for setting aside the part of the orders:-

“(i) Order dated 28.06.2023 fully contained in Memo No. 621 by which the District Selection Committee Bhojpur Ara wrongly been recommended the name of Respondent No. 5 for grant of PDS license in Dularpur Ward No. 6 after terminating the selection of petitioner in terms of wrong order of Learned Collector Bhojpur in Supply Appeal Case No. 37/22 on the basis of production of Computer Knowledge Certificate before the Collector Bhojpur,



Ara By Respondent No. 5.

(ii) For setting aside the order dated 19.12.2022 passed by the Learned District Magistrate Bhojpur at Arrah in Appeal Case No. 37/22 whereby and whereunder the appeal preferred before the Collector Bhojpur in terms of order dated 05.03.2022 by Public Grievance redressal forum, Arrah Sadar was allowed on the ground that SDO Sadar Arrah allowed the Respondent No. 5 to produce the Computer Knowledge Certificate and the same has been enclosed by the Respondent No. 5, but ignoring the same, the petitioner has wrongly been selected in the place of the Respondent No. 5.”

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. 5 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 the petitioner as well the Respondent No. 5 herein shall be put on notice and given an opportunity of hearing. 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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