

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.402 of 2023

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Harelal Ram S/o Late Chhavila Ram Resident of Village- Harihans, P.O.-
Harihans, P.S.- Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
2. The Additional Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The Divisional Commissioner Saran Division, Chapra.
4. The Collector cum Chairman, District Level Selection Committee (Supply), Siwan, District- Siwan.
5. The Collector Cum District Magistrate, Siwan, District- Siwan.
6. The District Supply Officer, Siwan Cum Secretary, District Level Selection Committee (Supply), Siwan, District- Siwan.
7. The Sub Divisional Officer, Sadar, Siwan Cum Member, District Level Selection Committee (Supply), Siwan, District- Siwan.
8. The Sub Divisional Officer, Maharajganj, Siwan Cum Member, District Level Selection Committee (Supply), Siwan, District- Siwan.
9. The District Co-Operative Officer, Siwan Cum Member, District Level Selection Committee (Supply), Siwan, District- Siwan.
10. The Sub Divisional Officer Cum Licensing Authority (PDS Dealership), Sadar Sub Division, Siwan, District- Siwan.
11. The Block Supply Officer, Hussainganj, District- Siwan.
12. Mr. Suraj Ram, S/o Asarfi Ram Resident of Village- Harihans, P.S.- Hussainganj, Dist.- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh
For the Respondent/s : Mr. Arvind Ujjwal (Sc 4)

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

4 29-08-2024 Heard the learned counsel for the parties.

The present writ petition has been filed for the
following reliefs:-

“A. A writ in the nature of



certiorari or any other appropriate writ for quashing the recommendation of the District Level Selection Committee (supply). Siwan dated 24.05.2022. contained in memo no. 485 issued by Respondent No. 5, whereby and where under a recommendation has been made by which private respondent has been declared eligible for license of PDS dealership for west Harihans Gram Panchayat falling within of Hussainganj Block of the Siwan District. (Annexure-3)

B. A writ in the nature of mandamus or any other appropriate writ, order/s, direction/s commanding the respondents for the followings:

i. To direct the respondent authorities to give force to the recommendation dated 12.12.2022 whereby and where under petitioner has been found most eligible for PDS Dealership for West Harihans Gram Panchayat falling within Hussainganj Block of the Siwan District after considering all the applications submitted against the said post.

ii. To direct the respondent authorities to review the recommendation dated 24.05.2022 with respect to private respondent and declare the petitioner to be most eligible in comparison of the private respondent.

iii. To hold that the recommendation of the private respondent who is at 4th position in the seniority list of approved applicants and non-recommendation of the petitioner, who is having 3rd position in the said seniority list is erroneous and gross case of colorable exercise of power.

iv. To hold that the respondents have violated their own rules/guidelines wherein it is provided that in case of similarities in educational and other qualification the person who will more aged shall be given priority in providing PDS Dealership license.



C. For any other relief/s to 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.

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. 12 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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