

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18178 of 2024

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Rinku Kumari Wife of Manjay Rai Resident of Village- Bahrapur, Ward
No.- 7, P.S.- Raghapur, Dist- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Civil Supply, Bihar, Patna.
2. The Commissioner, Tirhut Division at Muzaffarpur.
3. The District Magistrate, Vaishali at Hajipur.
4. The District Supply Officer, Vaishali at Hajipur.
5. The Sub-Divisional Officer, Hajipur, at Hajipur.
6. The Block Supply Officer, Raghapur, Dist.- Vaishali.
7. Seema Kumari @ Seema Devi, Wife of Jai Prakash Rai, Resident of Village- Peer Mohammadpur, Ward No.- 12, P.S.- Raghapur, Dist- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar Soni, Adv.
For the Respondent/s	:	Mr.Standing Counsel 12
		Mr. Kamlesh Kishore, AC to SC 12

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

2 18-12-2024 Heard the learned counsels for the parties.

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

“(i) For Setting aside the order dt. 28/02/24
(with regard to the respondent no.7) listed at
serial no.15 contained in memo no. 138
passed by the District Magistrate, Vaishali
(respondent no.3) where under the District
Magistrate has approved the
recommendation of the S.D.O. for vacation
of stay for issuance of P.D.S. license in
favour of respondent no.-7 without any
physical verification with regard to the
objection of the petitioner and without



providing proper opportunity of hearing to the petitioner.

(ii) For quashing the P.D.S. license no. 0324 issued in favour of respondent no.-7 for roaster no. 939, Bahrapur Raghapur, Vaishali issued by the S.D.O. pursuant to the approval of the District Magistrate, 28/2/2024 Vaishali dated 08.02.2024 copy of license has not been provided to the petitioner.”

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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