

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1486 of 2025

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Deepak Kumar, Son of Ram Bhajo Das, Resident of Village- Patepur, P.S. -
Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate cum Chairman of the district level Selection Committee, Samastipur.
3. The District Supply Officer, Samastipur.
4. The Sub-Divisional Officer, Rosera, Samastipur.
5. The Block Supply Officer, Hasanpur, Samastipur.
6. The Block Development Officer, Hasanpur, Samastipur.
7. Pappu Kumar, S/o Ram Badan Das, Resident of village- Patepur, P.S. - Hasanpur, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Gaurav, Adv.
For the Respondent/s : Mr.Addl. Advocate General (05)

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

2 19-03-2025 Heard the learned counsels for the parties.

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

“A. Certiorari for quashing and setting aside the published final merit list vide memo no. 1283 dated 25.11.2024 contained therein **Annexure -1** under which only on the basis of hypothetical self manufactured & false enquiry report of B.D.O, Hasanpur vide Memo No.1718 dated 05.09.2024 contained therein **Annexure -3** whereby and where under the private Respondent No.7 has been recommended for the selection by the district level Samastipur & selection committee, the selection of the petitioner as



a P.D.S. Dealer against the Unreserved category considered has not been whereas the appellant/Petitioner appeared at Sl. No. 2 & private Respondent No.7 appeared at Sl. No. 4 in provisional merit list as well as final merit list.

B. A mandamus commanding the Respondents further not to issue a P.D.S license to the private respondent no 7 because the petitioner is matching with all the eligibility criteria under which he is the only who is fully & purely entitled to obtained that license of P.D.S Shop.

C. Any other relief or reliefs for which the petitioner may be found entitled in the fact and circumstances of the present case may be granted to him.

A photo copy of published final Merit list vide Memo No 1283 dated 25.11.2024 is annexed herewith and marked as **Annexure 1(Series)** to this writ application.”

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 of.

(A. Abhishek Reddy , J)

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