

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3218 of 2023

=====

Khurshid Alam Son of Shafi Ahamad, Resident of Village-Chandsaraiya,
Police Station-Piprakothi, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Joint Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The Collector Cum District Magistrate, East Champaran at Motihari.
4. The Sub Divisional Officer, Sadar, Motihari East Champaran.
5. Rajan Kumar Son of Prabhu Singh Resident of Village-Baikurwa, Ward No. 15, Police Station-Piprakothi, District-East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate.

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

=====

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

3 03-09-2025 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the
following reliefs:-

“(i) for quashing the order dated 13.07.2022 passed by the Respondent No. 3 in Public Distribution Appeal Case No. 40 of 2019, whereby and whereunder the aforesaid appeal filed by the petitioner challenging the selection of respondent No. 5 on the post of Public Distribution System Dealer has been rejected and the selection of the Respondent No. 5 has been confirmed.



(ii) Also for commanding to respondents to grant the licence of dealer for the shop of public Distribution System, after due enquiry in favour of the petitioner for Ward No. 4 & 5 of Gram Panchayat Raj Bir Chapra, Sub-Division-Motihari Sadar, East Champaran.”

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 observe that before passing any order, the petitioner as well as the Respondent No. 5 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)

shakir/-

U			
---	--	--	--

