

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16065 of 2019

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Tallat Prabin @ Tallat Parween W/o Md. Mubarak, R/o Sattar P.S. Bihra,
District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner Koshi Division, Saharsa.
3. The District Magistrate, Saharsa.
4. The District Supply Officer, Saharsa.
5. The Sub-Divisional Officer, Saharsa.
6. The Block Development Officer, Sattar Kataiya Block Saharsa.
7. Nisha Kumari @ Babha Devi, w/o Sanjay Kumar, R/o Village- Sattar P.S.-
Bihra District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Adv.
For the Respondent/s : Mr. S.Raza Ahmad (AAG-5)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 15-10-2025

1. The Writ petition is filed to direct respondent authority No. 3 to dispose of the Miscellaneous Case No. 02 of 2019 as expeditiously as possible.

2. The brief facts, as culled out from the Writ petition, are that the petitioner and several other candidates applied for license of dealership of the Public Distribution Shop in the year 2018. The



petitioner belongs to Extremely Backward Muslim community and has passed Matriculation and Intermediate Examination in 1st division. He also hold an Advance Diploma in Computer Application.

3. During the selection process, Private Respondent No. 6, who passed Matriculation in 2nd Division and Intermediate Examination in 1st division was allocated the PDS dealership.

4. Being aggrieved by the same, the petitioner preferred a Miscellaneous Case No. 02 of 2019 before the Commissioner, Koshi Division seeking cancellation of the license granted to respondent No. 6.

5. In turn, the Commissioner, Koshi remanded the Miscellaneous Case No. 02 of 2019, to the District Collector, Saharsa for disposal vide order dated 29.01.2019, The petitioner thereafter filed a petition on 14.02.2019 before the District Collector with a prayer to dispose of the matter as early as possible. However, the Miscellaneous case is still pending. Having no other effective alternative remedy, the petitioner has approached this Court.



6. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

7. The District Magistrate is the member of the Selection Committee who has selected the respondent No 6. However, the appropriate authority is the Divisional Commissioner who has to entertain the complaint preferred by the petitioner and he has to pass appropriate order, whether the selection made by the Selection Committee which includes the District Magistrate is proper or not?

8. In the present case, the contents of the Writ petition disclose that the Divisional Commissioner remanded the case to the District Magistrate to pass appropriate orders. The District Magistrate has not passed any order as he is not the competent authority to pass any such order, being member of the Selection Committee. Therefore, this Court directs the petitioner to prefer a fresh complaint before the Divisional Commissioner along with a copy of this order, within two months from the date of receipt of this order. In turn, the



Divisional Commissioner shall entertain the complaint and shall pass appropriate orders within three months from the date of filing of the complaint.

9. It is needless to state that the limitation aspect shall be liberally construed, as the petitioner himself had preferred the complaint before the Divisional Commissioner at the first instance within the period of limitation.

10. With the aforesaid observations, the Writ petition is disposed of.

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.10.2025
Transmission Date	

