

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16941 of 2023

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Khushboo Kumari W/o of Ranjeet Kumar, Resident of Village- Siswa,
Panchayat- Siswa West, P.S.- Banjariya, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, East Champaran, Motihari.
3. The Sub-Divisional Officer, Sadar, Motihari, East Champaran.
4. The Block Development Officer, Motihari Sadar, East Champaran.
5. The Block Supply Officer, Banjariya, Motihari.
6. The Block Supply Inspector, Banjariya, Motihari.
7. Pradeep Kumar, S/o Babulal Prasad Resident of Vill.- Gokhula, P.S.- Banjariya, Dist.- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Adv.
For the Respondent/s : Mr. S. Raza Ahmad (Aag5)

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

9 11-08-2025 Heard the learned counsels for the parties.

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

*“(A) A writ in the nature of
CERTIORARI or any other appropriate writ/s,
order/s direction/s quashing the final selection
list of PDS Dealers issued vide memo No. 122
dated 28.1.2018 in so far as the same relates to
allotment of PDS Dealership to Respondent No.
7 who has been issued the licence for PDS
dealer for Siswa West Panchayat, Motihari,
East Champaran without considering the
objection filed by the petitioner that her*



Graduation certificate/marks sheet has not been considered and it has been not placed with her records and on consideration she will be at first place in Merit List, (Merit List).

(B) A writ in the nature of MANDAMUS or any other appropriate writ/s, order/s directions, commanding the Respondent authorities for the following:

i. To hold that the selection of Respondent No. 7 in the final list published vide Memo No. 122 dated 28.11.2018 is wrong and has been done in violation of existing Law/Rules/Guidelines governing the allotment.

ii. To allot the PDS dealership/license to the Petitioner on the basis of her having better qualification i.e. better marks in Graduation, Intermediate and computer proficiency and belongs to Female Category.

iii. To cancel the selection of the Respondent No. 7 as a PDS dealer as the same has erroneously been done, without meeting the set procedures and is fit to be set aside.”

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 off 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, duly putting all the parties 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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