

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17993 of 2023

Chanda Kumari, W/o Amarjeet Kumar, Resident of Village-Dih Buchauli,
P.O.-Dih Buchauli, Block-Jandaha, Sub-Divisional Office Mahua, P.S.-
Mahua, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, New Secretariat, Patna.
3. The Commissioner, Tirhut Division Muzaffarpur
4. The District Magistrate Vaishali.
5. The District Selection Committee through its Chairman the District Magistrate, Vaishali.
6. The District Supply Officer, Vaishali
7. The Sub-Divisional Officer, Mahua, Vaishali.
8. The District Manager, Bihar State Food Corporation, Vaishali.
9. The Assistant Distirct Supply Officer Mahua
10. The Block Supply Officer, Jandaha, Vaishali.
11. Smt. Sangeeta Kumari W/o Jitendra rai Resident of Village-Dih Buchauli, P.O.-Dih Buchauli, Block-Jandaha, Sub-Division Office-Mahua, District-Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Manish, Adv.
For the Respondent/s	:	Mr.Standing Counsel (11)
		Mr. Piyush Kumar Pandey, AC to SC 11
For the BSFC		Mr. Shailendra Kr. Singh, Adv.
		Mr. Utkarsh Utpal, Adv.

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

4 27-03-2025 Heard the learned counsels for the parties.

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

“(i) For issuance of writ in the nature of
certiorari for quashing the memo no. 1049



dated 17.11.2023 with respect to S.I. No.26 Roaster Sl. No. 849 was kept reserved for unreserved women for Dih Buchauli Gram Panchayat, Block Jandaha, Sub Divisional Office, Mahua, District Vaishali issued by the Sub-Divisional Officer Mahua whereby and where under he has arbitrary issued /granted New Licence for shop of Public Distribution System to the respondent no. 11. Smt. Sangeeta Kumari while she belongs to category of Backward Class, and also earlier applied under Backward Class for which roaster No. 851 was kept reserved for Backward Class in the said Gram Panchayat ignoring the candidature of the petitioner who belongs to General unreserved category for which roaster s.l. No. 849 was kept reserved for unreserved women and had also applied under General unreserved category for granting New License of shop of Public Distribution System, in the same Gram Panchayat.

(ii) The writ petitioner further prays before this Hon'ble Court for directing the concern respondents to issue new Licence of Shop under Public Distribution System to the petitioner for Dih Buchauli Gram Panchayat Block-Jandaha Sub-Divisional Office, Mahua, District Vaishali upon the roaster SI. No. 849 kept reserved for unreserved women after cancellation the name of respondent no. 11 from it since respondent 11 applied upon roaster SI. No. 851 (kept reserved for Backward Class Women).

(iii) The writ petitioner also prays before this Hon'ble Court to stay the memo no. 1049 dated 17.11.2023 with respect to the respondent no.11 mentioned at SI.No.26 till final disposal of the writ petition.



(iv) For issuance of any other appropriate writ, writs, order/orders, direction/directions to which the petitioner is found entitled to.”

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. 11 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 including the private respondent 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)

Bhardwaj/-

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