

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24230 of 2019

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Manish Kumar Son of Anil Yadav Resident of Village- Suhath Ward No. 13,
Block and P.s.- Sour Bazar, District- Saharsa.

... .. Petitioner

Versus

1. The State of Bihar Through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna, P.S.- Sachivalaya, District-Patna.
2. The Joint Secretary, Food and Consumer Protection Department, Government of Bihar, Patna, P.S.- Sachivalaya, District- Patna.
3. The District Magistrate Saharsa. P.S. and District- Saharsa.
4. The Sub Divisional Officer Sadar, Saharsa, P.S. and District- Saharsa.
5. The Additional Collector cum District Supply Officer Saharsa, P.S. and District- Saharsa.
6. The District Programme Officer Saharsa, P.S. and District- Saharsa.
7. The District Co-operative Officer Saharsa, P.S. and District- Saharsa.
8. Badri Prasad Yadav Son of Parmoshwari Yadav Resident of Village- Suhath, Ward No.9 Block and P.S.- Sour Bazar, District- Saharsa.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Baleshwar Kamat, Advocate
For the Respondents	:	Mr. S. Raza Ahmad, AAG5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 03-07-2026

1. Heard the Learned Counsel for the petitioner as well as the Learned Counsel for the respondents.

2. The petitioner has filed the present writ petition to quash the selection of respondent No. 8, namely, Badri Prasad Yadav, for opening and running a Fair Price Shop under the Bihar Targeted Public Distribution System (Control) Order, 2016 in



Gram Panchayat Suhath, Block Saur Bazar, District Saharsa, and further to direct the respondent-authorities to consider the case of the petitioner and select him in place of respondent No. 8, namely, Badri Prasad Yadav.

3. It is submitted by the Learned Counsel for the petitioner that the petitioner passed the Matriculation Examination in the year 2014 and also obtained a Diploma in Computer Application in the year 2013. He had sufficient eligibility and merit, but without considering the said facts, respondent No. 8 was selected. It is further submitted that the petitioner was about 21 years of age, whereas respondent No. 8 was about 57 years of age, which was also not taken into consideration by the respondent-authorities.

4. This Court is of the considered view that the District Magistrate, being a part of the Selection Committee, cannot review his own decision, and the appropriate authority to consider the grievance of the petitioner is the Divisional Commissioner.



5. As, an alternative remedy was available to the petitioner by filing an application before the Divisional Commissioner and the petitioner filed applications before the District Magistrate, Saharsa, on 28.12.2018, 23.01.2019 and 23.03.2019 and He also filed an application before the Divisional Commissioner on 22.03.2019 challenging the selection of respondent No. 8.

6. The contents of the Writ petition and the submissions made by the Learned Counsel for the petitioner clearly disclose that the Divisional Commissioner has not passed any order on the application filed by the petitioner till date.

7. Therefore, the Divisional Commissioner shall pass an appropriate order on the petitioner's application, after affording an opportunity of hearing to the petitioner, within a period of three months from the date of receipt of a copy of this order.

8. If the Divisional Commissioner has already passed an order on the petitioner's application, no further order is required. If not, he



shall dispose of the same in the above said manner.

9. With the above observations, the Writ petition stands disposed of.

10. Interlocutory application(s), if any, shall also stand disposed of.

(G. Anupama Chakravarthy, J)

Shanu/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

