

Dharmendra Kumar @ Dharmendra Sah Vs State Of Bihar And Ors

Court: Patna High Court

Date of Decision: Jan. 31, 2020

Acts Referred: Bihar Targeted Public Distribution System (Control) Order, 2016 " Rule 9, 11

Hon'ble Judges: Ashutosh Kumar, J

Bench: Single Bench

Advocate: Sanjay Kumar @ S.K, S. Raza Ahmad

Final Decision: Disposed Of

Judgement

Heard the learned counsel for the petitioner and the State.

The petitioner alleges that he has wrongly been excluded from consideration for grant of license on the ground of there already being a licensee in his

family.

It has been submitted that the license has been granted to Respondent No. 7 for Baikatpur, who is academically less qualified than the petitioner and is

also not possessing any computer literacy, which the petitioner is proficient in.

It has also been submitted that under rule 11 of the Bihar Targeted Public Distribution System (Control) Order, 2016, the disqualification is only when

license is granted to one of the members of a joint family.

The claim of the petitioner is that he is separate in mess and business from the person who has been granted license earlier and has his independent

existence. This aspect has completely been ignored in non-suiting the petitioner for grant of license.

The petitioner has challenged the aforesaid decision before the District Magistrate but such challenge is by way of a representation.

This Court, under the aforesaid circumstances, directs that if an appeal against the aforesaid order of the authority granting license to Respondent No.

7 instead of petitioner for Baikatpur is filed before the appellate authority within a period of four weeks from today, the same shall be looked into and

disposed off by a reasoned order within a further period of eight weeks thereafter. Needless to state that the appellate authority shall look into and

accord necessary attention to the provisions contained in rules 9 and 11 of the Bihar Targeted Public Distribution System (Control) Order, 2016.

With the aforesaid observation / direction, this petition stands disposed off.