

Chaniya Devi Vs State Of Bihar

Civil Writ Jurisdiction Case No. 19098 Of 2019

Court: Patna High Court

Date of Decision: Feb. 6, 2023

Acts Referred:

Bihar Targeted Public Distribution System (Control) Order, 2016 "Rule 8#Essential Commodities Act, 1955 "Section 3, 5

Citation: (2023) 02 PAT CK 0025

Hon'ble Judges: Ashutosh Kumar, J; Satyavrat Verma, J

Bench: Division Bench

Advocate: Dhananjaya Nath Tiwari, Upendra Pratap Singh

Final Decision: Disposed Of

Judgement

1. Heard Mr. Dhananjaya Nath Tiwari, the learned Advocate for the petitioner and Mr. Upendra Pratap Singh, the learned counsel for the State.
2. The petitioner is a person hailing from B.C. community from the same Panchayat where the P.D.S. license was to be given. However, for the vacancy meant for E.B.C. category, the private Respondent No. 5 has been selected even though she does not hail from the same Panchayat.
3. Mr. Tiwari submits that according to Rule 8 of the Bihar Targeted Public Distribution System (Control) Order, 2016, a person hailing from the same Panchayat is to be given priority. He further submits that in the present case, the advertisement itself prescribed that in the event of no candidate turning-up for the category of the vacancy, person of the other category could be adjusted. Without resorting to this mechanism as prescribed in the advertisement, a candidate (Respondent No. 5) of E.B.C. category was selected even though she hailed from a different Panchayat.
4. Regard being had to the nature of controversy raised and in view of the notification dated 21.07.2022 issued by the Government in exercise of the

powers conferred under Sections 3 and 5 of the Essential Commodities Act, 1955 read with Clause 36 of the Bihar Targeted Public Distribution

System (Control) Order, 2016, we direct that in case the petitioner approach the Divisional Commissioner with a suitable representation/complaint

within a period of 15 days, he shall look into the matter and after giving hearing to all the concerned parties, including the private Respondent No. 5,

shall pass a final order within a further period of 60 days, giving reasons in support of the decision taken by him.

5. The order so passed by the Divisional Commissioner shall be made available to the petitioner as well as private Respondent No. 5 forthwith.

6. We have specifically asked for the private Respondent No. 5 to be heard by the Divisional Commissioner as the present order is being passed in her

absence.

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