
(2020) 12 PAT CK 0245

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 7434, 8416 Of 2020

Md. Qassim Khan @ Md. Quassim And Ors

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 23-12-2020

Acts Referred:

Citation : (2020) 12 PAT CK 0245

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Manoj Kumar Pandey, Lalit Kishore, Binay Kumar

Final Decision : Disposed Of

Judgement

Petitioners in CWJC No. 7434 of 2020 have prayed for the following relief(s):-

â??For a direction to the respondent authorities that P.D.S. dealers (petitioners) of the State of Bihar shall be allowed to carry on their business as a

P.D.S. dealers for the purpose of delivery of food grains to the consumers without use of a P.O.S. machine (Biometric authentication) till the period of

lock down and or till further date up to which chance of spreading Corona Virus prevails in the state of Bihar.â??

Petitioner in CWJC No. 8416 of 2020 has prayed for the following relief(s):-

â??For direction to the Respondent Authority to continue the distribution of essential commodities among the beneficiaries as formerly as in practice

before installation of Point of Sale (POS) Machine under the National Food Security Act 2013 and distribute food without it, citing that its usage could

facilitate the spread of COVID-19 pandemic as well as to make arrangement of smooth distribution among the large number of beneficiaries are

deceived from their food grains as in many cases the POS machines did not

recognize the thumb impression of actual beneficiaries and they had to go from pillar to post to get the ration who are getting failed due to technical reason every month who are starving and facing difficulties in day to day life.â??

Learned counsel for the State opposes the petitions stating that the petition is misconceived; raises disputed question of fact; is not in public interest; and that the issue can be best resolved at the Government level by the appropriate authorities.

After the matter was heard for some time, learned counsel for the petitioners submits that petitioners shall be content if a direction is issued to the concerned respondent(s) to consider and decide the representation which the petitioners shall be filing for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioners, the concerned authority shall consider and dispose it of expeditiously and preferably within a period of two months from the date of its filing along with a copy of this order.

Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioners takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioners to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits. All issues are left open.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.