

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7823 of 2017

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1. Suresh Prasad Singh, Son of Late Hiranand Singh, Resident of Village- Gawpur, P.S.- Ujjarpur, District- Samastipur.
 2. Sudha Jaiswal, Wife of Narsing Kumar, Resident of Village- Nagar Basti, P.S.- Warisnagar, District- Samastipur.
 3. Manoj Kumar, Son of Sonelal Arya, Resident of Village- Khasway Ahar, P.S.- Tajpur, District- Samastipur.
 4. Rameshwar Lal, Son of Bhura Lal, Resident of Village- Khasway Ahar, P.S.- Tajpur, District- Samastipur.
 5. Sanjay Kumar, Son of Sudama Mahto, Resident of Village- Simnaha, Maniyarpur, P.S.- Chakmehsi, District- Samastipur.
 6. Chandra Prakash Guddu, Son of Suresh Mahto, Resident of Village- Basudeopur, P.S.- Kalyanpur, District- Samastipur.
 7. Binod Kumar Singh, Son of Satya Narayan Singh, Resident of Village- Basudeopur, P.S.- Kalyanpur, District- Samastipur.
 8. Manoj Rai, Son of Mishri Lal Rai, Resident of Village- Sumonaha, P.S.- Chakmehsi, District- Samastipur.
 9. Inderjeet Singh, Son of Shankar Singh, Resident of Village- Pusha Road Waini, P.S.- Pusa, District- Samastipur.
 10. Shambhu Prasad Singh, Son of Rajdeo Singh, Resident of Village- Fatehpur Bala, P.S.- Tajpur, District- Samastipur.
 11. Rampukar Singh, Son of Late Paltu Singh, Resident of Village- Fatehpur Bala, P.S.- Tajpur, District- Samastipur.
 12. Mukesh Kumar, Son of Ram Chalitra Chaurasia, Resident of Village- Pataili, P.S.- Ujjarpur, District- Samastipur.
 13. Amrendra Rai, Son of Laxmi Kant Rai, Resident of Village- Salempur, P.S.- Musrigharari, District- Samastipur.
 14. Chandragupta Chandak, Son of Banwari Lal Chandak, Resident of Village- Madudabad, P.S.- Mohiuddin Nagar, District- Samastipur.
 15. Kalpana Chandak, Wife of Manoj Chandak, Resident of Village- Madubabad, P.S.- Mohiuddin Nagar, District- Samastipur.
 16. Rakesh Kumar, Son of Sri Baleshwar Singh, Resident of Village- Rahimabad, P.S.- Bangara, District- Samastipur.
 17. Dipak Kumar Sahani Son of Sri Ram Swarath Sahani, Resident of Village- Gunai Basahi, P.S.- Tajpur, District- Samastipur.
 18. Manoj Prasad Singh, Son of Chandra Bhushan Prasad Singh, Resident of Village- Gangapur, P.S.- Musrigharari, District- Samastipur.
 19. Binit Kumar Singh, Son of Vishwanath Singh, Resident of Village- Rahimabad, P.S.- Bangara, District- Samastipur.
 20. Mahendra Prasad Singh, Son of Bangali Prasad Singh, Resident of Village- Addarpur, P.S.- Tajpur, District- Samastipur.
 21. Jaishankar Pathak, Son of Mahendra Pathak, Resident of Village- Belari, P.S.- Ujjarpur, District- Samastipur.
 22. Mokhtar Alam, Son of Hapiz Md. Ayub, Resident of Village- Saidpur Jahid, P.S.- Ujjarpur, District- Samastipur.
 23. Anil Poddar, Son of Sri Suresh Poddar, Resident of Village- Bishabharpur Aloth, P.S.- Musrigharari, District- Samastipur.
 24. Pramod Kumar Daha, Son of Chandra Daha, Resident of Village- Singhighat, P.S.- Bibhutipur, District- Samastipur.



25. Jitendra Kumar, Son of Sri Ramsevak Singh, Resident of Village- Sumonaha, P.S.- Chakmehsi, District- Samastipur.
26. Abnit Ranjan, Son of Sri Tej Narayan Singh, Resident of Village- Madhurapur Tara, P.S.- Kalyanpur, District- Samastipur.
27. Pramod Chandra Thakur, Son of Triveni Thakur, Resident of Village- Rahua, P.S.- Warisnagar, District- Samastipur.
28. Manoj Kumar Mahto, Son of Ram Kishun Mahto, Resident of Village- Harpur Shyam, P.S.- Khanpur, District- Samastipur.
29. Sanjay Kumar Rai, Son of Nageshwar Rai, Resident of Village- Manzil Mubarak, P.S.- Kalyanpur, District- Samastipur.
30. Mahesh Kumar Mahto, Son of Ram Sevak Mahto, Resident of Village- Chakwa Khar, P.S.- Khanpur, District- Samastipur.
31. Amresh Kumar, Son of Ram Uchit Singh, Resident of Village- Basadhia, P.S.- Dalsingsarai, District- Samastipur.
32. Sanjit Kumar, Son of Devendra Sah, Resident of Village- Bangraha, P.S.- Vidyapati Nagar, District- Samastipur.
33. Sudhir Kumar Goenka, Son of Jagdish Prasad Goenka, Resident of Village+ P.S.+ District- Samastipur.
34. Ajay Kumar, Son of Late Ram Nand Singh, Resident of Village- Din Gawpur, P.S.- Ujjarpur, District- Samastipur.
35. Ram Bilash Singh, Son of Sri Pulkit Singh, Resident of Village- Singhighat, P.S.- Bibhutipur, District- Samastipur.
36. Sanjay Kumar, Son of Satya Narayan Mandal, Resident of Village- Belsandi, P.S.- Chakmehsi, District- Samastipur.
37. Sanjay Kumar Chaudhary, Son of Rajendra Chaudhary, Resident of Village- Chand Chaurdih, P.S.- Ujjarpur, District- Samastipur.
38. Renu Kumari, Daughter of Late Kamlesh Mahto, Resident of Village- Ghat Nawadih, P.S.- Dalsingsarai, District- Samastipur.
39. Sunil Kumar, Son of Ram Prasad Singh, Resident of Village- Mahisani, P.S.- Ujjarpur, District- Samastipur.
40. Gauri Shankar Rai, Son of Late Ramadaya Rai, Resident of Village- Sari, P.S.- Warisnagar, District- Samastipur.
41. Sunil Kumar Rai, Son of Late Ramadaya Rai, Resident of Village- Harpur Shyam, P.S.- Khanpur, District- Samastipur.
42. Manoj Kumar, Son of Sukhdeo Mahto, Resident of Village- Dekari, P.S.- Khanpur, District- Samastipur.
43. Upendra Raj, Son of Ranjan Mahto, Resident of Village- Singhiaghat, P.S.- Bibhutipur, District- Samastipur.
44. Shashi Bhushan Prasad, Son of Sri Ram Sharan Prasad, Resident of Village- Basudeopur, P.S.- Kalyanpur, District- Samastipur.
45. Tikendra Prasad Singh, Son of Late Baldeo Singh, Resident of Village+ P.S.- Dalsingsarai, District- Samastipur.
46. Vijay Kumar, Son of Sri Rajendra Mahto, Resident of Village+ P.S.- Dalsingsarai, District- Samastipur.
47. Randhir Kumar Prasad Singh, Son of Ram Bilash Singh, Resident of Village- Satmalpur, P.S.- Warisnagar, District- Samastipur.
48. Sikandar Singh, Son of Baldeo Singh, Resident of Village- Dalsingsarai, P.S.- Dalsingsarai, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture &



- Co-Operative of Farmers, Welfare, Govt. of Bihar, Patna.
2. The Agriculture Director, Govt. of Bihar, Patna.
3. The Joint Director, Plant Protection, Darbhanga.
4. The District Magistrate, Samastipur.
5. The District Agriculture Officer, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ambika Bhagat,
Mr. M. Bilochan
For the State : Mr. Raghwanand- GA11,
Mr. Sanjay Kumar Tiwari, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 11-08-2017

Heard learned counsel for the petitioners and learned
counsel for the State.

In the present case, petitioners have prayed for direction to
the respondents authorities for renewal of their licence on the basis
of the provisions, rules and notification issued by the Ministry of
Agriculture.

The Central Government vide notification dated 5.11.2015
has amended Insecticides Rule 1971 thereby qualification and
criteria for grant of licence or renewal of licence has been changed.
A new Sub-rule (1A) in Rule 10 has been added which provides, a
person who applies for grant of licence to sell, stock or exhibit for
sale or distribute insecticides shall possess or shall employ a
person possessing a graduate degree in Agriculture, Science or
Biochemistry or Biotechnology or Life Science or in Science with



Chemistry or Botany or Zoology as the minimum qualification. Under the proviso it has been provided that all retailers or dealers possessing a valid licence as on the date of notification of this sub-rule shall be allowed a period of two years to comply with the educational qualification.

In view of the amended rule and legislative mandate a person who applies for the grant of licence he must possesses qualification as mentioned in Sub-Rule (1A) Rule of Gazette Notification dated 5th November, 2015 and if he himself is not a qualified person then he must employ a person possessing any of the aforesaid degree.

In such view of the matter, this Court cannot give direction to run the shop without compliance of the aforesaid provision. This Court does not find any merit in this writ petition. It is accordingly dismissed.

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.8.2017
Transmission Date	NA

