

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13292 of 2015

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Awadhesh Kumar Ranjan @ Ranjan Yadav Son of Late Narayan Mandal
Resident of Village Salkhua, Police Station - Salkhua District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Saharsa.
2. The District Magistrate, Saharsa.
3. The Superintendent of Police Saharsa.
4. The Sub Divisional Officer Saharsa.
5. The Station House Officer, Salkhua Police Station, District - Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Adv

For the Respondent/s : Mr. RAJESH KUMAR- GP19

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-08-2018

The present writ petition has been filed for quashing the letter bearing memo no.1740 dated 06.07.2015 passed by the respondent-Superintendent of Police, Saharsa, whereby the respondent authority has cancelled the character certificate earlier granted to the petitioner and further recommended to the Sub Divisional Officer, Saharsa (Respondent No. 4) to initiate legal action by withdrawing all benefits received by the petitioner, on the basis of the said certificate.

2. Learned counsel for the petitioner submits that the respondent-Superintendent of Police, Saharsa (Respondent No. 3) has exceeded his jurisdiction inasmuch as he is not the proper authority under the PDS Control Order, 2001.



3. Learned counsel for the respondents submits that the character certificate had been obtained under false pretext and hence the same has rightly been cancelled.

4. Having heard the parties and on consideration of the materials on record, this Court finds the writ petition to be devoid of merit. The impugned order dated 06.07.2015 passed by the Superintendent of Police, Saharsa has found that the character certificate had been issued to the petitioner without proper enquiry and as such the same was cancelled. Learned counsel for the petitioner has not shown any ground for assailing the order of cancellation of the character certificate. As a consequence of such cancellation, a recommendation has been made to the concerned authority for taking further steps in the matter. Such action of the Superintendent of Police cannot be said to have taken under the provisions of PDS Control Order, 2001 as sought to be contended by the petitioner. It cannot therefore, be said that the Superintendent of Police has acted in excess of his jurisdiction.

5. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.09.2018
Transmission Date	NA

