

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4357 of 2019

Radheshayam Kumar Gupta @ Radhey Shayam Kumar aged about 35 years,
Male, S/o Sri Prabhu Sah Res. of Ward no. 8, Mehnaul Kala, P.O.- Belsandi,
P.S.- Matiyariya, Distt.- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar Through the Secretary Food and Civil Supplies, Govt. of Bihar New Secretariat Patna.
2. The District Magistrate West Champaran Bettiah.
3. The Sub Divisional Officer Narkatiyaganj, West Champaran.
4. The Sub Divisional Welfare Officer Narkatiyaganj, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 11-07-2019

Petitioner in the present case initially prayed for a writ in the nature of writ of mandamus commanding the respondent authorities to consider the case of the petitioner for grant of licence pursuant to the advertisement dated 11.12.2017.

By filing Interlocutory Application being I.A. No. 01/2019 he has sought to challenge the order as contained in Memo No. 1416 dated 22.11.2017 issued by respondent no. 2 (Annexure '2' to the writ application) by which the guidelines have been issued for receipt of the applications



for grant of Public Distribution System Shop licence against 145 vacant shops. The order as contained in Annexure '2' lays down the various conditions including one that the applicant would be required to submit xerox copy of updated bank account showing availability of a sum of Rs. 50,000/- in the said account. Till the verification of the application, if the said amount is not found available in the Bank, the candidature shall be cancelled.

It appears that the petitioner was one of the candidates but in terms of the said order when he did not submit copy of the Bank statement, his candidature was not considered.

Learned counsel for the petitioner has though assailed the rejection of the candidature of the petitioner, it is not in dispute that the condition to submit a xerox copy of the Bank account showing deposit of Rs. 50,000/- in the Bank account was very much known to the petitioner when he made an application for grant of licence. The advertisement dated 11.12.2017 clearly mentioned the reference of departmental Memo No. 1571 dated 28.03.2017 and the Circular No. 2312 dated 15.02.2016,



and then the applicants were advised to go on the website and the notices in the Sub-Divisional Office/Block Office. Neither in the writ application nor in the Interlocutory Application the petitioner has come out with a plea that the condition so prescribed was not known to him. At this stage, he has chosen to challenge the very guideline on which the steps were taken to fill up 145 vacancies that too after having become unsuccessful in getting the licence.

In the given facts and circumstances of the case, this court finds no reason to issue a writ in the nature of a writ of mandamus or a writ of certiorari to interfere with the guidelines of the respondent department.

The writ application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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CAV DATE	
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