

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.553 of 2019

Kanak Lata Wife of Hari Shankar Mehta, Resident of Village- Mirjawa, Ward No.11, Block and Anchal- Triveniganj, Police Station- Triveniganj, District- Supaul.

... .. Petitioner

Versus

1. The State of Bihar through it's Secretary, Food and consumer Protection Department, Government of Bihar, Patna having his office old Secretariat, P.O. - Sachivalay, District – Patna.
2. The Special Secretary, Food and Consumer Protection Department, Government of Bihar, Patna having his office Old Secretariat, P.O. Sachivalaya, District – Patna.
3. The Director, Food and Consumer Protection Department, Government of Bihar, Patna having his office
4. The Member Secretary, Food and Consumer Protection Department, Government of Bihar, Patna having his office Old Secretariat, P.O. Sachivalaya, District – Patna.
5. The Additional Secretary, Food and Consumer Protection, Department, Government of Bihar, Patna having his office Old Secretariat, P.O. Sachivalaya, District – Patna.
6. District Rural Development Agency, Supaul.
7. The District Magistrate cum Chairman of District Level Selection Committee, Supaul.
8. The District Supply Officer cum Secretary District Level Selection Committee, Supaul.
9. The Sub Divisional Officer cum Member District Level Selection Committee, Supaul.
10. The Sub Divisional Officer cum Member District Level Selection Committee, Triveniganj, District- Supaul.
11. The Marketing Officer, Supaul.
12. The District Cooperative Officer cum Member District Level Selection Committee, Supaul.
13. The Deputy Collector Land Reforms, Supaul.
14. The Block Development Officer, Triveniganj, Block, District- Supaul.
15. The Circle Officer, Triveniganj, District- Supaul.
16. The Block Supply Officer Triveniganj District- Supaul.
17. Priyanka Kumari, Wife of Dilip Kumar, Resident of Village- Mirjawa, Ward No.11, Block and Police Station- Triveniganj, District- Supaul.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Shekhar Kumar Singh, Advocate
For the Respondent/s : Mr.S.Raza Ahmad (AAG5)



CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-07-2019 Heard learned counsel for the petitioner and
learned counsel representing the State.

Petitioner, in the present case, is seeking a writ of certiorari to quash and cancel the impugned Memo No. 748-2 dated 31.07.2018 issued by the District Level Appointment Committee under the Chairmanship of District Magistrate, Supaul, whereby a provisional selection list of PDS Dealer has been prepared and thereafter the private respondent no. 17 has been selected for grant of fair price shop license.

It is the case of the petitioner that she is computer knowing candidate and she has her Master's degree with 66.50% and the private respondent is simply an Intermediate.

In the writ application the petitioner has set out a case stating that she had submitted her application form with the Licensing Authority and had enclosed all relevant documents as per advertisement which includes educational certificates and computer knowledge certificate etc., but



the same has not been considered and the name of the petitioner was not included in the panel of the recommended candidates.

It is further stated that she had filed an objection petition before the Licensing Authority but the same was not considered.

Learned counsel for the State submits that the case set out by the writ petitioner at this stage stands falsified on the face of the records available with the writ petition.

Attention of this court has been drawn towards Annexure '2' to the writ application which is the xerox copy of the application form of the petitioner. In the application form she has declared that she had no knowledge of computer. It is further stated that the petitioner has not brought on record her objection petition which she claims to have submitted before the Sub-Divisional Officer and also the computer knowledge certificate and, therefore, non-availability of the computer knowledge certificate as enclosures with Annexure '2' only shows that what was stated in the application form is correct and the petitioner does not possess any computer knowledge certificate.



Having heard learned counsel for the petitioner and learned counsel for the State, after going through Annexure '2' to the writ application, this court finds force in the submissions of learned counsel for the State. Paragraph 1(*Cha*) of the application form required information about computer knowledge, in response thereof, the petitioner has stated in Hindi '*Nahi*'. At this stage, learned counsel for the petitioner has tried to raise a submission that there seems an interpolation has been done in the application form of the petitioner. This court is not willing to accept the submission at this stage. In fact, in the writ application also there is no such pleading. Learned counsel for the State is correct that although in the writ application the petitioner has enclosed Annexure '2' showing that it is the application form along with all relevant documents but in fact Annexure '2' on the record does not include the computer knowledge certificate of the petitioner. This further strengthens the case of the State that the plea being taken by the petitioner at this stage with regard to her computer knowledge is only an afterthought. This court also finds from the record that although the petitioner claims to have submitted an



objection against the panel prepared by the Licensing Authority but he has not brought on record copy of the objection petition. For all these reasons, this court finds none of the grounds raised by the petitioner has any basis.

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

(Rajeev Ranjan Prasad, J)

Rajeev/-

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