

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3587 of 2019

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Savita Kumari, aged about 25 years (Female), D/o Chandar Ravidas Resident of Village – Dhobai, P.S. Tarapur, Dist.-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and consumer Protection Department New Secretariat Patna
2. The District Magistrate, Munger
3. The Sub Divisional Officer Tarapur, Dist.-Munger
4. The Sarpanch, Gram Kachahari, Dhobai, P.S. Tarapur, Dist.-Munger
5. The Superintendent of Police, Munger

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Sushmita Mishra, Advocate
For the Respondent/s : Md. Anisul Haque, (AAG-5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 14-10-2019 Heard learned counsel for the petitioner and

learned counsel for the State.

Petitioner is aggrieved and dissatisfied with the rejection of her candidature for the grant of Public Distribution Shop License on the ground that she had annexed a character certificate issued by the Sarpanch of the Gram Kachhari, Dhobai.

Learned counsel for the petitioner submits that in the advertisement there was no stipulation that the character certificate must have been issued under the signature of the Superintendent of Police and as soon as she came to know



about the requirement that the character certificate should have been obtained from the office of the Superintendent of Police, she obtained a character certificate on 31.10.2017 from the Superintendent of Police, Munger and submitted the same for consideration.

It is submitted that the character certificate dated 31.10.2017 was not considered and taking the certificate issued by the Sarpanch of the Gram Kachhari as one not having been issued by the competent authority the candidature of the petitioner was rejected.

In the counter affidavit the respondents-State has come out with a stand that the competent authority for grant of character certificate is the Superintendent of Police of the District. It is submitted that it is the office of the Superintendent of Police which keeps the records of a person having a criminal antecedent, therefore the petitioner was required to obtain character certificate from the office of the Superintendent of Police only. Initially she had submitted the certificate issued by the Sarpanch but at a belated stage after the last date of submission of the application form on 31.08.2017, only on 01.11.2017 the



petitioner came with a fresh character certificate dated 31.10.2017 issued by the Superintendent of Police, Munger. Since it was submitted after expiry of last date of submission of the application the same was not considered. In paragraph '13' of the counter affidavit a specific stand has been taken that the vacancy for grant of PDS License at Roster Point 124 which is reserved for SC Female category in Dhobai Panchayat still exists and now a fresh advertisement bearing No. 514 dated 03.07.2019 has been published whereunder the petitioner may also submit her fresh application for consideration. The last date for submission of application was till 10th of August, 2019, but learned counsel for the State submits that in the facts of the present case by interim order the subsequent action has been made subject to result of the writ application the petitioner may still be given an opportunity to submit her application within a reasonable period and the same will also be considered along with other eligible candidates.

Having heard learned counsel for the parties and on perusal of the records this court finds substance in the submissions of learned counsel for the State. The



candidature of the petitioner was rejected earlier because she submitted the character certificate issued from the office of the Superintendent of Police, Munger much after the last date of the submission of the application form. It is also true that the character certificates are being issued from the office of the Superintendent of Police and therefore the petitioner should have submitted that certificate within the period prescribed but she having failed to do that, this court at this stage would not be willing to exercise its discretion under Article 226 of the Constitution of India. One reason for not exercising the discretion of this court would be that the respondents have come out with a fresh advertisement and after about two years at this stage the court would not be willing to interfere with the exercise which have already been undertaken by issuing a fresh advertisement by the respondent-State particularly when the respondents have taken a fair stand that the petitioner may still submit her application which will be considered along with other applicants.

This writ application is being disposed off at this stage without interfering with the ongoing process of



selection, giving liberty to the petitioner to submit her application within two weeks from today, and, if such application is submitted by the petitioner, the same will be considered along with other eligible candidates in accordance with the provisions of the Bihar Targeted P.D.S. (Control) Order, 2016.

(Rajeev Ranjan Prasad, J)

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