

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20284 of 2018

Vibha Devi W/o Late Vijay Kumar Patel, Resident of Agia, P.O.-Jarang
Dyodhi, P.S.-Gaighat, District-Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food & Consumer Protection, Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Sub Divisional Officer, East Muzaffarpur.
4. The District Supply officer, East Muzaffarpur.
5. The Block Supply Officer-CumBlock development officer, gaighat, Distirct-Muzaffarpur.
6. Ajaya Kumar, S/o Late Surendra sah, R/o Kafan Chaudhary, P.S.-Hathauri, District-Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Pradhan Murli Manohar Prasad, Advocate Mr. Raju Kumar Goswami, Advocate
For the State	:	Mr.S. Raza Ahmad- AAG-5 Mr. Alok Ranjan, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 20-02-2019

Heard learned counsel for the petitioner and
learned counsel representing the State.

Petitioner is aggrieved by order dated 17.07.2018 passed by Sub-Divisional Officer, East, Muzaffarpur, as contained in Annexure-10 to the writ application, by which the request of the petitioner to provide her license of PDS Shop on compassionate ground has been rejected on the ground that she is only 7th Pass, whereas in terms of the Bihar Targeted Public Distribution System (Control) Order, 2016, the minimum qualification



required is a Matric Pass.

Learned counsel for the petitioner submits that the petitioner is a lady and in absence of proper assistance she could not inform the Licensing Authority that she had already passed the Matriculation Examination in the year 2018 and she was in possession of a certificate showing her Matric Pass. It is thus submitted that the Sub-Divisional Officer, East, Muzaffarpur may be directed to consider the matter afresh, giving an opportunity to the petitioner to place on record the copy of the Matriculation Certificate.

Learned counsel for the State submits that on 17.07.2018, while passing the impugned order, the Sub-Divisional Officer, East, Muzaffarpur has recorded that the petitioner is only 7th Pass and this fact has not been controverted in the writ application.

Having heard learned counsel for the parties, this court is of the considered opinion that in case the petitioner is a Matriculate and is in possession of certificate showing her Matric Pass from the recognized Board/Institution, there is no harm in giving an opportunity to produce the same before the Sub-Divisional Officer, East,



Muzaffarpur.

Learned counsel for the State is correct in saying the fact stated in the impugned order that the petitioner is only 7th Pass has not been specifically controverted in the writ application, but then considering the fact that petitioner is a widow and she may not have either properly assisted by her counsel at the time of drafting or it may be a result of deficient drafting, this court is not inclined to shut the door of the petitioner for that reason alone. In absence of proper information, the court is not quashing the impugned order, as contained in Annexure-10 to the writ application, but is keeping the same in abeyance to enable the petitioner to appear before the Sub-Divisional Officer, East, Muzaffarpur within a period of four weeks from today and produce before him her Matriculation Certificate. If the Matriculation Certificate is produced within the aforesaid period, the Sub-Divisional Officer, East, Muzaffarpur shall consider the matter afresh and will take a decision thereon keeping in mind the said Matriculation Certificate. He would pass a fresh order superseding the present order as contained in Annexure-10



to such circumstance.

This Writ Application stands disposed of
accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	25.02.2019
Transmission Date	

