

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1120 of 2019

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Rambha Kumari Wife of Bhushan Sada, Resident of Sautari Bharna Ward No. 15, Police Station- Saur Bazar, District Saharsa.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection Department, Bihar, Patna.
2. The Secretary, Department of Food and Consumer Protection Department, Bihar, Patna.
3. The Collector cum District Magistrate, Saharsa.
4. The District Supply Officer, Saharsa.
5. The Sub Divisional Officer, Saharsa.
6. The Additional District Supply Officer, District- Saharsa.
7. The Block Supply Officer, Sourbazar, District- Saharsa.
8. Baby Kumari wife of Sri Raj Kumar Paswan, Resident of Ward No. 7, Saur Bazar, Police Station Saur Bazar, District- Saharsa.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Dinesh Maharaj, Advocate
For the State	:	Mr.Alok Ranjan, AC to AAG-G
For the Private Res. No. 8:	:	MR. Vijay Kumar Mukul, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 26-03-2019 This writ application has been preferred for a direction to the respondent authorities not to entertain/consider the certificate/certificates attached subsequently by respondent no. 8. A further direction has been sought to grant license of Public Distribution System to the petitioner in Village Sautari Bharna, Ward No. 15, Saur Bazar, P.S. Saur Bazar, District – Saharsa. The petitioner claims that she is the sole eligible candidate.



It is the case of the petitioner that she happens to be an educated lady belonging to the scheduled caste and is the resident of Village Sautari Bharna. Pursuant to the notification issued by respondent no. 2, she had applied for the vacant Public Distribution System Shop (hereinafter referred to as the 'PDS Shop'). It is stated that as per the notification, the minimum educational qualification was matriculation, however, preference had to be given to those having computer knowledge and in case of a tie in above two criteria, the person who is elder had to be preferred.

It is further case of the petitioner that she had while submitting her application for the PDS Shop in Ward No. 15 attached her matriculation certificate as well as her computer certificate. In the same category two other candidates one of whom is respondent no. 8 in this case had applied for the same.

It is alleged that respondent no. 8 is though Intermediate pass but is not having any computer knowledge, besides she is junior in age to this petitioner. Thus, according to the petitioner she was only eligible candidate for getting the license. The petitioner claims that she had an apprehension that respondent no. 8 may manipulate process by attaching wrong certificate subsequently, for this reason the petitioner is said to



have made a representation as contained in Annexure-3 to the writ application. It is submitted that when a provisional merit list as contained in Annexure-4 series was published and objections were invited against the same, the petitioner found that respondent no. 8 had submitted her computer certificate before the enquiry officer. The petitioner filed an objection before the Sub-Divisional Officer, Saharsa alleging therein that the respondent no. 8 has got introduced her computer certificate in a collusive manner.

In the aforesaid circumstance, this Court vide its order dated 15.01.2019 called upon the respondents to file a counter affidavit. A counter affidavit has been filed on behalf of respondent nos. 3 to 7 jointly. A counter affidavit has also been filed on behalf of respondent no. 8.

It is the stand of the official respondent nos. 3 to 7 that the private respondent no. 8 had while filling up her application clearly mentioned in column one in respect of knowledge of computer- "Yes". A photocopy of the application has been brought on record vide Annexure-A to the counter affidavit. It is stated that respondent no. 8 had asserted in application about her computer knowledge but when the provisional list was prepared the entry in column no. 5 against



the name of private respondent was made as “No” which was a typographical error. The respondent no. 8 had submitted her objection against the entry made in column no. 5 and asserted that she had written “Yes” in her application against the column meant for the computer knowledge. In such circumstance the matter was enquired into and the Block Supply Officer, Sourbazar, District Saharsa submitted an enquiry report in which he found that the private respondent no. 8 is a computer literate and recommended for acceptance of her computer certificate, copy of which was enclosed with the application form of respondent no. 8. Copy of the enquiry report is also enclosed as Annexure-D to the counter affidavit. It is submitted that after considering the objections, on the basis of enquiry report final merit list was sent to the Selection Committee in which private respondent no. 8 was at Serial No. 1 in the merit list. The Selection Committee selected private respondent no. 8 against the vacancy of scheduled caste female and issued license No. 535 of 2018.

On behalf of respondent no. 8 a stand has been taken that she is an educated lady having her date of birth 15.07.1996 she passed her matriculation examination in the year 2010 and then Intermediate examination in the year 2015. She has also



got computer knowledge having diploma in Computer Application from a recognized institute whereas, admittedly, the petitioner is only *Madhyama* which is equivalent to matriculation. The stand taken by the official respondents have been reiterated by respondent no. 8.

In course of hearing learned counsel for the petitioner has still persisted with his argument saying that the Computer Application certificate was got introduced through the back door method but on the face of material available on the record particularly the enclosure with the counter affidavit of the official respondents showing that in her application respondent no. 8 had mentioned about her computer knowledge as “yes” and in enquiry report it is stated that she had enclosed xerox copy of the certificate, learned counsel for the petitioner could not substantiate his argument to raise any doubt with regard to decision making process. In course of enquiry she had produced the original certificate. In course of hearing learned counsel for the petitioner has not disputed the genuineness of the computer certificate of respondent no. 8.

In the given facts and circumstance, in view of the categorical stand of the official respondents duly substantiated by the materials enclosed with the counter affidavit, this Court



finds no arbitrariness in the decision making process and hence,
no interference is called for in the present writ application.

This writ application has, thus, no merit, it is
dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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