

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4653 of 2019

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Rimal Mandal, S/o Dashrath Mandal @ Dasho Mandal, resident of Vill.-
Boropar, P.O.- Sikkat, P.S.- Barari Sikkat, Distt.- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary Food and Civil Supply Department, Govt. of Bihar, Patna
3. The District Magistrate Katihar
4. The Sub Divisional Officer Katihar
5. The Block Supply Officer Barari, Distt.- Katihar
6. Prashant Kumar S/o Indeshwari Prasad Yadav Vill.- Kikkat ward no. 9, p.s.- Barari, Distt.- katihar
7. Md. Nurul Islam S/o Shekh Abdullah Vill.- Kazra, P.s.- Barari, Distt.- Katihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Pandey
For the Respondent/s : Mr.U.P. Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 14-11-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

A counter affidavit has been filed on behalf of the District Magistrate, Katihar. With the counter affidavit, a copy of the application said to have been submitted by the petitioner seeking licence under the Bihar Targeted PDS (Control) Order, 2016 has been brought on record as Annexure-1 to the counter affidavit. Annexure-1 shows that in the application form the petitioner had declared his educational qualification as 8th Pass.



Since the petitioner was found not eligible fulfilling the minimum eligibility condition of being a matriculate, his application was not recommended by the Block Supply Officer, Katihar.

The District Magistrate has submitted that father's name of the petitioner as appearing in the application form and in the matriculation certificate which is now being produced by the petitioner is different inasmuch as it would appear in the application form that the father's name of the petitioner has been stated as Daso Mandal whereas in the matriculation certificate the father's name has been shown as Dashrath Mandal. It has also been pleaded in the counter affidavit that normally at least two and half years takes in passing out the matriculation examination after class 8th, a doubt has been raised that how the petitioner could have obtained matriculation certificate within one year from the date of passing of his class 8th examination. A school transfer certificate issued from the office of the District Superintendent of Education, Katihar has also been brought on record with the counter affidavit which shows that the petitioner was a student of class 8th while leaving the school. This certificate has been issued on 13.02.2001. A doubt has thus been raised on the certificates submitted by the



petitioner at this stage and a letter has been written to the Principal of the High School, Sitakund, Munger to verify the certificates and submit an enquiry report. The said enquiry report is still awaited.

Having heard learned counsel for the petitioner and the respondents and in the kind of disputes which have come on the record, this Court directs the District Magistrate, Katihar to get verified the certificates which are being produced by the petitioner showing that he had passed the matriculation examination. Since learned counsel for the petitioner has submitted that copy of the application which has been brought on record as Annexure-1 to the counter affidavit is not perhaps the same application which has been submitted by the petitioner, after the certificates of matriculation are duly enquired and a report is obtained by the District Magistrate, an opportunity of hearing shall be given to the petitioner to satisfy the District Magistrate with the information furnished by the petitioner in his application for grant of licence. Thereupon an appropriate decision shall be taken by the District Magistrate and the same will be communicated to the petitioner. Let the whole exercise be completed within a period of four months from the date of receipt/production of a copy of this order.



This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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