

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3093 of 2020

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Virendra Kumar, Son of Sri Rajendra Ray, Resident of Village-Bankul, Post Office-Sivaepatti, Police Station-Minapur, District Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
3. The District Magistrate, Muzaffarpur.
4. The District Selection Committee, Muzaffarpur under the Chairmanship of District Magistrate, Muzaffarpur.
5. The Sub-Divisional Officer-cum-Licensing Authority, Muzaffarpur (East).
6. Vimlesh Kumar, Son of Sri Ramprit Ray, Resident of Village-Belahi Lacchi, Post-Sivaepatti, Police Station-Minapur, District-Muzaffarpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar, Advocate
For the Respondent/s : Mr. Arvind Ujjwal (SC-4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 27-02-2020

The petitioner despite being suitable in all respects and better in merit than private respondent no. 6 was not granted license and private respondent no. 6 was chosen as the beneficiary. The reason for rejecting the claim of the petitioner is that in the application form, the column with respect to computer literacy was left blank by the petitioner.



Mr. Sanjeet Kumar, learned advocate for the petitioner submits that the requisite certificate displaying his computer literacy was filed and was also shown to have been filed in the check list attached with the application. Thus, for mere not making an entry about such qualification in the application form, he should not have been non-suited.

The argument, though may appear to be convincing in the first blush but the fact remains that the petitioner has not shown the alacrity of mind which he ought to have. This has resulted in concession being granted to private respondent no. 6.

However, since the petitioner has a better claim because of his being older in age, having similar qualification and being computer literate also, this Court can only direct that in case a representation is made by the petitioner by way of an objection petition before the District Magistrate-cum-Chairman of the Selection Committee, Muzaffarpur within a period of one week, the



same shall be looked into and a reasoned order shall be passed within a period of two weeks thereafter. In case of any change in the decision regarding grant of license, it would be obligatory for the concerned respondent to hear private respondent no. 6 as well.

With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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