

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3640 of 2020

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Priyesh Kumar Singh Son of Late Anup Kumar Singh Resident of Village
Bheria P.S. Dihri District Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The District Magistrate Rohtas.
3. The Subdivision Officer Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Adv.

For the Respondent/s : Mr. Haroon Qureshi, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 04-07-2022 Heard Mr. N. K. Agrawal, the learned senior

counsel for the petitioner and Mr. Haroon Qureshi, the learned

counsel for the State.

The petitioner, an aspirant for license under the
Public Distribution System was refused one for the only
reason that he was earlier made accused in a case involving
POCSO Act, 2012.

The learned counsel for the petitioner has pointed



out that from the records itself, it appears that the Committee was aware that the petitioner had been acquitted in that case, though, giving him the benefit of doubt.

Mr. Agarwal, therefore, contends that there ought to be no distinction between acquittal on merits or on benefit of doubt as no stigma remains attached in either case.

The sole contention of the petitioner thus is that the consideration which weighed with the District Selection Committee is unsustainable in the eyes of law.

We find force in the aforesaid submission of Mr. Agrawal.

The order refusing to grant license to the petitioner is thus, set aside and the matter is remitted to the District Selection Committee for taking a fresh decision in the matter, without being prejudiced by the fact that petitioner had earlier been made accused in a criminal case in which he has been acquitted, though giving him the benefit of doubt.

Such decision shall be taken by the concerned committee within a period of 90 days, to be counted from the date of receipt/production of the copy of this order.

The writ petition is accordingly allowed and disposed of.



(Ashutosh Kumar, J)

(Jitendra Kumar, J)

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