

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6257 of 2021

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Sujeet Kumar, son of Naresh Prasad Sahu, resident of Village- Dhira, P.S.-
Halsi, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna
2. The Collector, District- Lakhisarai.
3. The Sub-Divisional Officer, Lakhisarai, District- Lakhisarai.
4. Chandan Kumar son of Rajendra Sao, Resident of Village and P.O.- Dheera, P.S.- Halsi, District- Lakhisarai

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar Labh, Adv.
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG-5
For the Respondent No.4:		Mr. N.K. Agrawal, Sr. Adv..
		Ms. Preety Kunwar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

Date : 16-02-2022

The present petition has been filed for quashing the order dated 18.12.2020 passed by the learned Collector, Lakhisarai in Miscellaneous Appeal Case No. 03 of 2019 whereby and where-under, appeal filed by the private Respondent No. 4 has been virtually allowed in as much as the selection made in the past including that of the petitioner herein has been set aside and the District Level Selection Committee, Lakhisarai has been directed to conduct



selection afresh on the basis of the then existing application forms.

2. The learned counsel for the petitioner has submitted that the impugned order dated 18.12.2020 is illegal and violative of the statutory provisions, hence is fit to be set aside, however, the petitioner is not averse to the idea of preferring a revision petition against the order dated 18.12.2020.

3. Per contra, the learned counsel for the State has submitted that as far as the petitioner is concerned, he is an accused in one criminal case bearing Halsi P.S. Case No. 96 of 2015 dated 29.07.2015, but the petitioner had deliberately concealed the pendency of the said criminal case and had not disclosed the same in his application form. It is further submitted that the private Respondent No. 4 herein namely Chandan Kumar had challenged the recommendation made by the District Level Selection Committee, Lakhisarai in its meeting held on 15.12.2018 including the selection of the petitioner, before the Hon'ble Patna High Court by filing a writ petition bearing CWJC No. 2403 of 2019 and a co-ordinate Bench of this Court vide order dated 26.04.2019 had disposed of the said writ petition with



liberty to the Respondent No. 4 to file appropriate appeal before the District Magistrate, Lakhisarai. It appears that thereafter, the private Respondent No. 4 had filed an appeal before the learned Collector, Lakhisarai and upon consideration, it was found that the petitioner had concealed the factum of pendency of the criminal case against him and had managed to obtain a character certificate issued from the office of the Superintendent of Police, Lakhisarai, concealing the factum of pendency of criminal case against him, hence, the learned Collector, Lakhisarai, by the impugned order dated 18.12.2020 had set aside the entire selection process and remanded the matter back to the District Level Selection Committee, Lakhisarai to consider the entire facts and circumstances and take a decision afresh on the basis of the then submitted application forms. It has also been submitted that the District Level Selection Committee, Lakhisarai had thereafter, in its meeting held on 29.12.2021 has recommended the name of the private Respondent No.4 for the purposes of grant of license of the fair price shop. It is also submitted that the learned Advocate of the petitioner was given adequate opportunity of hearing by the learned Collector,



Lakhisarai. Thus, there is no ambiguity as far as the impugned order dated 18.12.2020 is concerned and, in fact, much water has flown since not only the licensing authority has cancelled the license of the petitioner in compliance of the impugned order dated 18.12.2020 passed by the learned District Magistrate, Lakhisarai in Miscellaneous Appeal Case No. 3 of 2019, but the District Level Selection Committee, Lakhisarai has taken a decision afresh on the basis of the then existing application forms in its meeting held on 29.12.2021.

4. Having regard to the facts and circumstances of the case and having considered the materials on record, we find that as far as the order dated 18.12.2020 passed by the learned Collector, Lakhisarai is concerned, the same does not suffer from any infirmity, however, in case the petitioner is aggrieved by the recommendation made by the District Level Selection Committee, Lakhisarai in its meeting held on 29.12.2021, we grant liberty to the petitioner to avail the alternative remedy of filing a revision petition/ representation before the concerned Divisional Commissioner and in case such a revision petition/ representation is filed within a period of four



weeks from today, the same shall be disposed of by a reasoned and speaking order, in accordance with law, within a period of six weeks, thereafter.

5. The writ petition stands disposed of on the aforesaid terms.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

Tiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.02.2022
Transmission Date	N/A

