

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4511 of 2022**

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Gurudeo Kumar Singh son of Kalendra Prasad Singh, resident of Village-  
Kalibhita Ward No. 8, P.S.-Singhia, P.S.-Kishanganj, District-Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Purnea Division, Purnea.
4. The District Magistrate, Kishanganj.
5. The District Supply Officer, Kishanganj.
6. The Sub Divisional Officer, Kishanganj.
7. The Block Supply Officer, Kishanganj.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajeev Kumar Singh, Advocate  
For the Respondent/s : Mr. Alok Ranjan, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**and**  
**HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)**

**Date : 28-09-2022**

Heard Mr. Rajeev Kumar Singh, learned counsel

for the petitioner and Mr. Alok Ranjan for the State.

The petitioner had applied for being granted license under the PDS scheme. However on scrutiny of his educational qualification certificates, it was found that he has a degree of graduation from an Institute, which has no accreditation by the UGC. Precisely for this reason, his



name was not considered by the District Selection Committee before a final selection list was prepared.

The petitioner has submitted before this Court that such assertion of the respondents is incorrect. He further submits that the basic qualification for being granted license is Matriculation and workable knowledge of the computer. The issue of further higher qualification arises only if there are more than one candidate for a particular ward.

Be that as it may, even the assertion of the authorities that the Institute from which the petitioner has graduated is not UGC accredited is incorrect. In fact, the certificate which has been brought on record by the petitioner clearly depicts that the Institution from where the petitioner has passed his graduation has the accreditation of the University Grants Commission. The Institute is an old and reputed institute. Without taking this into account, the petitioner has wrongly been non-suited by the District Selection Committee. Normally, any



decision of the District Selection Committee is appealable before the District Magistrate but since the District Selection Committee is headed by the District Magistrate, the Government in its wisdom, has come out with a notification dated 21.07.2022, in exercise of powers conferred under Section 3 and 5 of the Essential Commodities Act 1955 read with Clause 36 of the Control Order of 2016, whereby such dispute could be agitated before the Divisional Commissioner.

We, in the aforesaid circumstances, direct the petitioner to make a suitable representation/complaint before the Divisional Commissioner within a period of thirty days, who shall after hearing all the concerned parties/stakeholders including those who have been selected as licensee under the scheme, shall pass a final order on such complaint within a period of sixty days, giving reasons in support of the afore-noted decision. In case it is found that the petitioner was wrongly non-suited and was not considered for grant of license, necessary



sequel order shall be passed by the Commissioner which shall be carried out by the concerned Authority.

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

(Ashutosh Kumar, J)

( Jitendra Kumar, J)

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