

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5894 of 2022

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Sima Kumari Wife of Suresh Prasad Singh Resident of Village Bagalbadi,
Post Bagalbadi, Police Station Kochadhaman, District Kisanganj, Bihar-
855107 (UID No. 493491311187)

... .. Petitioner/s

Versus

1. The State of Bihar through the Secrerary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The District Magistrate, Kisanganj.
4. The Deputy Development Commissioner, District-Kisanganj.
5. The District Supply Officer District-Kisanganj.
6. The District Co-Operative Officer, Kisanganj.
7. The Sub Division Officer, Kisanganj, District-Kisanganj.
8. The District Selection Committee (Public Distribution System Shop), through its Secretary, Kisanganj.
9. The Secretary, Uniersity Grabt Commission, New Delhi
10. Mukesh Kumar Thakur, Son of Ram Bilash Thakur Resident of Vilage-Mojabadi Ghat, PO. Bagalbadi, Panchayat Bagalbadi, Police Station Kochadhaman, District Kisanganj, Bihar-855107

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rishikesh Ojha
For the Respondent/s : Mr. Anisur Haque

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



ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

3 12-10-2022 Heard Mr. Rishikesh Ojha, the learned Advocate
for the petitioner and Mr Anisur Haque for the State.

The petitioner has laid a grievance that because
of the collusion of the authorities, private respondent No.
10 has been selected as a P.D.S. licensee.

Mr. Ojha, the learned Advocate has tried to point
out that in a most unfair manner, the graduation certificate
of the petitioner was not accepted on the ground that it is
from a University which is not in the schedule for the
District Selection Committee to consider. No such
consideration has been given to the certificate of private
respondent No. 10. Both, the petitioner as well as
respondent No. 10 hail from EBC category for which the
vacancy was advertised and both have computer
knowledge.

It has further been pointed out and which fact
can also be gathered from the counter affidavit that since



there was some confusion with respect to degree of graduation of respective candidates, the consideration was only on the degree of intermediate. However, private respondent No. 10 was chosen as the most suitable candidate according to the counter affidavit on the basis of his degree of post-graduation. The provisional merit list which was prepared was confirmed in favour of respondent No. 10 even though he was placed low in the provisional merit list. In the provisional merit list, the consideration was on the graduation certificate of the respondent No. 10.

On these set of facts, Mr. Ojha contends that in order to help private respondent No. 10, he was asked to furnish his post-graduate certificate, later in point of time, which ultimately was considered. However, such consideration does not find mention in the provisional merit list which stood confirmed on final selection of private respondent No. 10.

Considering the afore-noted submissions and in view of the notification dated 21.07.2022 issued by the



Government in exercise of the powers conferred under Sections 3 and 5 of the Essential Commodities Act, 1955 read with Clause -36 of the Bihar Targeted Public Distribution System (Control) Order, 2016, we deem it appropriate to direct that in the event of the petitioner making a suitable representation / complaint before the concerned Divisional Commissioner within a period of 30 days, he shall look into the matter and after hearing all the stakeholders, including respondent no. 10, shall pass a final order within a further period of 90 days, giving reasons in support of the decision taken by him.

The order so passed by the authority shall be made available to the petitioner as well as respondent no. 10 forthwith.

We have specifically asked respondent no. 10 to be heard by the Divisional Commissioner as the present order is being passed in his absence.

The Divisional Commissioner shall, before passing the order, verify whether respondent No. 10 had originally supplied the post-graduate certificate on which basis he



has been found to be more suitable than the petitioner.

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

(Ashutosh Kumar, J)

sunilkumar/-
Mathew

(Jitendra Kumar, J)

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