

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 11083 of 2021

=====

Saviti Kumari @ Savitri Devi Wife of Lalbabu Thakur Resident of village-
Barwan Kaparpura, Gram panchayat- Barwan Kaparpura, Block- Hathua, Sub
Division- Hathua, Ps.- Hathua, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna
2. The Principal Secretary Department of Food and Consumer Protection, Government of Bihar, Patna
3. The Commissioner, Saran Division, Chapra
4. The District Magistrate, Gopalganj
5. The Sub Divisional Officer, Hathua, District- Gopalganj
6. The Block Supply Officer, Block- Hathusa, District- Gopalganj
7. The District Selection Committee, District- Gopalganj, through the District Magistrate, Gopalganj
8. Shweta Kumari Wife of Dayashankar Patel Resident of village- Bheriya, P.s.- Hathua, District- Gopalganj
9. Anjum Ansari Wife of Wasir Ansari Resident of village- Pipra Khas, P.s.- Mirganj, District- Gopalganj

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr Sanjay Kumar Pandey No 5
For the Respondent/s : Mr S Raza Ahmad, AAG V

=====

CORAM: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH)

Date : 22-03-2022

Heard learned counsel for the petitioner and the
respondents.



2 The petitioner was an applicant for grant of license to run a fair price shop under Bihar Targeted Public Distribution System (Control) Order, 2016 for Hathua Panchayat in the district of Gopalganj. Her name figured in the merit list at serial No 1 prepared for the said purpose by the District Selection Committee, headed by the District Magistrate. Objections were, however, invited from the candidates, whose names figured in the select list. Certain objection was apparently received in respect of genuineness of the certificates of the petitioner. It is evident from Letter dated 01.01.2020, issued by the Sub Divisional Officer -cum- Licensing Authority, Hathua that the petitioner was asked to submit her explanation on 09.01.2020 in view of the objection raised against her and to appear before the Licensing Authority with all original documents/certificates. It was clearly mentioned in the said Communication dated 01.01.2020 that in the event no explanation was received, it would be considered that the petitioner did not have anything to say in respect of the objection raised against her and in such circumstances, the objection, raised against her, shall be sustained. The petitioner has not stated in the writ petition that she replied to the said Communication dated 01.01.2020, though there is averment in the writ application that the petitioner had appeared before the Sub-Divisional Officer with



her certificates on 09.01.2020 and that the Sub-Divisional Officer -cum- Licensing Authority had verified the documents and expressed his satisfaction.

3 Respondent No 9 has subsequently been granted license to run the Public Distribution System shop on the basis of the selection process in question.

4 This writ petition has been filed seeking quashing of the selection list dated 30.12.2020 whereby name of Respondent No 9 had been recommended for grant of license. It is the petitioner's case that the respondents failed to verify the certificates of the petitioner and without issuing any communication, they rejected the petitioner's candidature on invalid ground of the petitioner's certificates being vague and fraudulent.

5 In response to specific query made by this Court as to whether the petitioner had submitted any explanation in response to the said Communication dated 01.01.2020, learned counsel for the petitioner has answered in negative. There is no such explanation on record.

6 It is apparent from the records that it was specifically mentioned in the said Communication dated 01.01.2020 that in case the petitioner failed to submit her explanation and produce the



certificates, the objection, raised against her, shall be accepted and the petitioner’s claim shall be rejected. Since the petitioner failed to avail the opportunity, granted to her by way of submitting explanation, through the said Notice dated 01.01.2020, in our opinion, the petitioner cannot assail the action of the respondents in refusing to accept the petitioner’s candidature upon sustaining the objection raised against her in relation to selection in question.

7 In our view, in the backdrop of the facts noted above, this writ petition has no merit and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.03.2022
Transmission Date	NA

