

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11409 of 2021

Pradeep Kumar S/o Ram Ayodhya Ram R/o Vill - Badki Tenduni, Post - Baligaon, P.S. - Ayar, District- Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Public Distribution System Patna, Bihar.
2. The District Magistrate, Ara, Bhojpur.
3. The Sub-divisional Officer, Ara.
4. The office of the Sub-divisional officer, Ara, Bhojpur.
5. The Block Development Officer, Garhani, Bhojpur.
6. The Union of India through the Post Master General, Patna, Bihar.
7. The Superintendent of General Post Office, Ara, Bhojpur.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Rajendra Nath Sinha
For the Respondent State:		Mr. Bijoy Kumar Sinha
		Mr. Alok Ranjan, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 24-03-2022 Through a notice issued under the signature of the Sub-Divisional Officer-cum-Licensing Authority, Sadar, Ara, applications for grant of licence to run P.D.S. shops under Bihar Targetted Public Distribution System (Control) Order, 2016 were invited. Admittedly, in terms of the said notice, only such applications could be entertained, which were received on or before the last date, i.e., 10.01.2021. The applications, in terms of the said notice, were to be sent through registered post/speed



post.

The petitioner claims that he had sent his application through speed post on 07.01.2021. His name, however, has not figured among the aspiring candidates apparently on the ground that the petitioner's application, sent through speed post, was not received on or before 10.01.2021. The petitioner, in the aforesaid background, is seeking direction for cancellation of the list of candidates for grant of P.D.S. licence for Garhani Block in the district of Bhojpur.

Learned counsel appearing on behalf of the petitioner has submitted that the application of some of the candidates sent through speed post on 09.01.2021 have been received by the authorities and their candidature has been accepted, whereas the petitioner's application, which was sent on 07.01.2021 through speed post, has not been accepted.

There is no averment in the writ petition that the petitioner's application was received in the office of the Licensing Authority on or before 10.01.2021. It is rather an admitted fact that the petitioner's application was received in the office of the Licensing Authority on 11.01.2021, as is evident from Annexure-8/A to the writ application. Further, it is not the petitioner's case that any application received in the office of the



Licensing Authority after the last date of submission has been considered.

We have carefully perused the notice issued by the office of the Licensing Authority inviting applications. Clause 6 of notice contains eligibility and other conditions which specifically prescribed that no application received after 10.01.2021 would be entertained. The petitioner's application was admittedly received after 10.01.2021. In such circumstance, the Licensing Authority had no other option, but to refuse to entertain the petitioner's application.

Learned counsel for the petitioner has placed reliance on a Division Bench decision dated 04.01.2022 rendered in C.W.J.C. No. 6395 of 2021 (*Harendra Ram Vs. The State of Bihar and Others*) to submit that in similar circumstance, the District Magistrate has been directed to examine all the issues including the issue as to whether the application of the petitioner of that case was received by the authorities within the stipulated time or not.

In our view, the said decision in case of *Harendra Ram* (supra) is of no help so far as the petitioner's case is concerned in view of the admitted position that the petitioner's application was not received on or before the last date



prescribed in the notice.

In such view of the matter, we do not find any merit in this application, which is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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