

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6010 of 2019**

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Sudhanshu Kumar Son of Doman Prasad @ Domilal Yadav R/o Village-  
Paschim Azimganj, Ward No. 12, P.O. and P.S.-Haveli Kharagpur, District-  
Munger.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Commissioner, Munger Division.
3. District Magistrate, Munger.
4. District Food Supply Officer, Munger.
5. Sub-Divisional Magistrate, Haveli Kharagpur, Munger.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajendra Narain, Sr. Adv.

For the Respondent/s : Mr. Anisul Haque, AC to AAG-5

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**and**  
**HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)**

2      02-01-2023                      Heard Mr. Rajendra Narain, the learned Senior  
  
Advocate for the petitioner and Mr. Anisul Haque, the  
  
learned counsel for the State.

The petitioner is one of the aspirants for grant of  
  
license under the Public Distribution System. No final  
  
decision has been taken as yet and consequently nobody  
  
has been selected as a licensee. Nonetheless, the  
  
petitioner suspects that he has been non-suited on a



ground, which, according to him, is erroneous.

A merit-list was prepared in which the claim of the petitioner has been rejected on the ground that he had not furnished necessary details about the location/situs of the shop from where he would run the business in case he was granted the licence.

Mr. Narain submits that this submission is factually incorrect. In support of the aforesaid contention, he has drawn the attention of this Court to an inventory, which is in the nature of a check-list, and submits that along with the check-list format, necessary documents were furnished but the respondents have taken an unreasonable and a rigid stand.

However, in the counter affidavit, there is yet another statement which makes the case of the petitioner weak so far as the adjudication under Article 226 of the Constitution is concerned.

The petitioner had furnished the character certificate of the year 2017, whose efficacy and strength lapsed after 6 months. Thus, another document was



missing for the authorities to consider the claim of the petitioner.

Be that as it may, after some arguments, Mr. Narain deems it appropriate to and seeks a withdrawal of this petition in order to enable the petitioner to agitate his cause before the Divisional Commissioner for the needful.

Acceding to the request of Mr. Narain, the petition is permitted to be withdrawn with the liberty to the petitioner to raise all the issues before the Divisional Commissioner, who shall take a final decision, giving reasons for the same.

Disposed off as withdrawn with the liberty aforesaid.

**(Ashutosh Kumar, J)**

**(Satyavrat Verma, J)**

Sharun/-  
Praveen

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