

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24698 of 2018

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Anjala Kumari W/O Sudhir Kumar Resident of Village-Godhwa, P.O.-
Pataura, P.S.-Motihari Muffasil, District-East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Chairman, District Level Selection Committee, District-East Champaran at Motihari
3. The Collector-cum-District Magistrate, East Champaran at Motihari
4. The Sub Divisional Officer, Sadar Motihari, East Champaran at Motihari
5. The Block Supply Officer, Raxaul
6. Smt. Rupam Kumari W/O Pankaj Kumar Ram Resident of Village-Machhan, Panchayat-Sirsamal, P.S.-Motihari Muffasil, District-East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Pradhan Murli, Adv.
	:	Mr. Manohar Prasad, Adv.
	:	Mr. Raju Kumar, Adv.
	:	Mr. Abhash, Adv.
For the Respondent/s	:	Mr. Vijay Anand, Adv.
	:	Mr. Bijoy Kr. Sinha, AC to AAG5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 13-09-2024

1. The Writ petition is filed seeking relief in the nature of *Certiorari* for quashing the decision of selection committee dated 02.11.2018, so far the recommendation for appointment of PDS dealer of Respondent No. 6 is concerned under backward classes in Sirsamal Panchayat and further be pleased to quash the order dated 28.11.2011 published vide memo No. 122 so far the respondent No. 6 is concerned by which the District Magistrate, East Champaran, Motihari, directed the authorities



to grant PDS License to the selected candidates and further be pleased to direct the concerned authorities to grant PDS License to the petitioner under the backward classes because she fulfills all the criteria of selection as she is having better qualification than the respondent No. 6.

2. The brief facts culled out of the petition are that the petitioner alongwith others applied for grant of license for PDS dealership in Sirsamal Panchayat. It appears that in Backward Class Woman Category, the petitioner was the only candidate and one 6th respondent also applied who comes from Scheduled Caste and not from the Backward class.

3. As per the roster of reservation, the vacancies were for Backward Class Woman and not for Scheduled Caste and for Scheduled Tribe. The petitioner applied with all necessary documents i.e. Matriculation Certificate, Marksheet of Intermediate, Computer Certificate of Advance Diploma in Computer Application and Admit Card of Graduation, as per the required advertisement. The petitioner obtained 66.80% in Intermediate whereas the respondent No. 6 obtained only 42% which is less than that of the petitioner.

4. It is the specific contention of the Learned counsel for the petitioner that the authority favoured the 6th respondent



by wrongly recording remarks in the “remarks column” that the petitioner has not filled-up the computer knowledge at column no. 1 of the application and further no computer certificate is enclosed.

5. In order to support the contention, the petitioner has enclosed the computer generated report which is at Annexure 4. The petitioner claims that she had computer knowledge. The Sub Divisional Officer, Motihari Sadar published a notice dated 04.09.2018 whereby it was brought to the knowledge of general public that anyone having claim with respect to Merit List may file their objection on or before 19.09.2018. The petitioner filed her objection on 17.09.2018 through proper channel bringing to the notice of the authorities that she had computer qualification and also submitted the documents which were received by the authorities vide Diary Entry No. 278 dated 18.09.2018. Later, on 02.11.2018 a meeting of Selection Committee was held and decision was taken for appointing respondent No. 6.

6. Being aggrieved by the said action, the present Writ petition was filed contending that the petitioner had higher qualifications and insptie of it, the 6th respondent who is having lesser merit was selected.



7. A detailed counter affidavit was filed by respondent nos. 2 to 5 denying all the allegations made in the Writ petition. The counter affidavit disclose that there are three vacancies in Sirsamal Panchayat under Motihari Block. As per the roster of reservation one was exclusively for Extremely Backward Category, one for Backward Category for women and one for General Category. The petitioner is concerned with Backward Woman reserved category. The District Selection Committee organized its meeting on 07.08.2018 and resolved guidelines for selection of Fair Price Shop Dealer. Further the resolution was forwarded to all Sub Divisional Officer vide Memo No. 315 dated 08.08.2018. As per Clause 5 of the minutes/guideline, the applicant who mentions his/her Computer knowledge have to submit Computer Certificate along with the application for Fair Price Dealership. The Writ petitioner filed her application but did not choose to disclose about her computer knowledge in Column No. 1 (च) of the application form and as such she could not get any priority of Computer knowledge. Further the counter affidavit disclose that the objection of the petitioner was not at all tenable in terms of Clause 5 of the guidelines and as such her objection was rejected. As the 6th respondent had computer knowledge and fulfilled all other criteria she was recommended



for the selection and the District Selection Committee selected her in the meeting dated 02.11.2018. The counter affidavit further disclose that as per Clause 32(iii) of Bihar Targeted Public Distribution System (Control) Order, 2016, the order granting or refusing to grant the Fair Price shop license is an appealable order before the Collector of the District and instead of availing the remedy the present Writ application was filed which is not maintainable in the eye of law.

8. Heard Learned counsel for the petitioner and Learned counsel for the respondents and perused the records.

9. On perusal of the record, it is evident that the petitioner has filed the Xerox copy of the application which was alleged to have been submitted before the authority wherein it was shown in the said application at Column No. 1(च) that the petitioner had computer knowledge, whereas the Xerox copy of the application filed alongwith the counter affidavit disclose that nothing was mentioned therein. Therefore, this Court has called for the original application of the petitioner submitted before the concerned authority.

10. The Learned counsel for the respondents had produced the application form along with other documents which were submitted by the petitioner before the authority.



11. On perusal of the original application of the petitioner, it is evident that the petitioner has not made any mention with respect to the Computer knowledge in her Application Form at Column No. 1 (च), therefore, it can be construed that the petitioner has not stated about her Computer knowledge before the authority as on the date of filing of the application.

12. In view of the above discussion, the writ petition is dismissed as it is devoid of merits.

13. Interlocutory application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.10.2024
Transmission Date	N/A

