

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9590 of 2023

Md. Tanbir Ansari son of Md. Nazam Ansari, Resident of Village Khagra
Karbala, Ward No. 32, P.S. Kishanganj, District Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Divisional Commissioner, Purnea Division, Purnea.
3. The District Magistrate, Kishanganj.
4. The Deputy Development Commissioner, Kishanganj.
5. The District Supply Officer, Kishanganj.
6. The District Co-operative Officer, Kishanganj.
7. The Sub-divisional Officer, Kishanganj.
8. Md. Samsher son of Md. Alim, resident of Ward No. 32, Karbala, Khagra, P.S. Kishanganj, District Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abdul Mannan Khan, Adv.
	:	Mr. Nihal Beg, Adv.
	:	Mr. Shiv Kumar, Adv.
For Respondent No. 8	:	Mr. NK Agarwal, Sr. Adv.
	:	Mr. Kumar Rajdeep, Adv.
For the Respondent/s	:	Mr. S. Raza Ahmad (Aag5)

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

8 19-04-2024 Heard the learned counsel for the parties.

The present writ petition has been filed for the
following reliefs:-

“For issuance of an appropriate writ, order or direction for quashing the order dated 18.04.2023 in Supply Revision No. 183/2022 passed by the respondent Divisional Commissioner, Purnea by which the order of granting PDS license in favour of the petitioner has most arbitrarily and quite erroneously been set aside and it has also been directed to grant license in favour



of the private respondent Md. Samsher.

(ii) For issuance of an appropriate writ, order or direction for grant of ad-interim stay of order dated 18.04.2023 in Supply Revision No. 183/2022 passed by the respondent Divisional Commissioner, Purnea, during the pendency of this writ application.

(iii) For issuance of appropriate writ, order or direction for grant of any other relief or reliefs which may be deemed fit and proper in the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner has stated that the respondent No. 8 has been selected on the basis of false caste certificate obtained by him. Learned counsel has stated that the Divisional Commissioner instead of verifying the caste certificate or seeking a report from the competent authority with regard to the genuineness of the caste category has simply dismissed the supply revision filed by the petitioner in a mechanical manner. Learned counsel has further stated that the authority concerned without verifying the genuinity of the caste certificate procured by the respondent No. 8 have rejected the revision filed by the petitioner in a pedantic manner. When queried by this Court as to whether the caste certificate issued in favour of the respondent No. 8 is in subsistence or not, the learned counsel has fairly stated that the same is in subsistence. At this stage learned counsel has prayed this Court to permit the petitioner to make a representation to



the District Magistrate requesting him to enquire the genuineness of the caste certificate obtained by the respondent No. 8 and the District Magistrate may be directed to dispose of the said representation in accordance with law.

4. Learned counsel for the respondent-State as well as respondent No. 8 have stated that they have no objection if the District Magistrate is directed to make an enquiry on the representation of the petitioner duly putting all the parties on notice and giving them an opportunity of hearing, filing their objections and passing orders in accordance with law.

5. Having regard to the above made submissions, without going into the merits or demerits of the case, the present writ petition is disposed of granting liberty to the petitioner to approach the District Magistrate by way of a representation ventilating his grievance within a period of four weeks from the date of receipt of a copy of this order. On receipt of the said representation, the District Magistrate shall put the respondent No. 8 on notice and call for his explanation and make due enquiry with regard to the genuineness of the caste certificate issued to the respondent No. 8. Thereafter, the District Magistrate shall pass orders strictly in accordance with law. The entire exercise shall be completed as expeditiously as possible



preferably within a period of eight weeks from the date of receipt of the representation from the petitioner.

6. It is needless to mention that before passing any orders, the petitioner as well as the respondent No. 8 shall be given an opportunity of hearing. The copy of the order passed shall be communicated to the parties. In case the District Magistrate comes to the conclusion that the caste certificate issued to the respondent No. 8 is not a genuine one, the authorities shall take necessary steps for cancellation of the PDS license issued to the respondent No. 8 in accordance with law.

7. With above direction, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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