

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.181 of 2024

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Pawan Kumar Singh S/o- Ramnandan Singh Resident of Mohalla- Jainagar,
Lal Pahari, Ward No. 33, P.S.- Kabaiya, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Commissioner, Munger Division, Munger.
3. The Collector, Lakhisarai.
4. The Sub- Divisional Officer, Lakhisarai.
5. Sunil Kumar, S/o- Munna Gupta Resident of Mohalla- Jainagar, Kali Pahari, Ward No. 33, P.S.- Kabaiya, District- Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Parmanand Pd. Nr. Sahi, Adv.
For the Respondent/s	:	Mr. Gyan Prakash Ojha (Ga7) Mr. Abhinav Ashok, Adv. Ms. Shivani Pahwa, Adv.
For the Resp. No. 5	:	Mr. Kumar Rajdeep, Adv.

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

16 18-11-2024

Heard the learned counsel for the parties.

2. This writ petition has been filed for the following
relief(s):-

*“(A) For quashing and setting aside
the order dated 24.05.23 passed by
Commissioner, Munger in Supply Revision No.
237 of 2022 where upon and where under the
learned Commissioner affirmed the order dated
12.03.2022 passed by Collector, Lakhisarai in
Misc. Supply Case No. 01 of 2021 whereby
turned down the claim of appellant for grant of
P.D. Shop Licence, although the petitioner have*



first position in merit list prepared by the authority.

(B) To direct the S.D.O. lakhisarai to cancelled the licence of P.D. Shop of the person stand second in the merit list Respondent No. 5 namely, Sunil Kumar and grant licence to petitioner which holds first position in the merit list.”

3. It is the case of the petitioner that he has applied for the selection of P.D.S. License but the authorities without considering the same has rejected the application on the ground that the petitioner has suppressed material fact.

4. Learned counsel for the petitioner has stated that in the application given by the petitioner at serial No. 8, there is the column asking the petitioner as to whether any criminal cases were pending against the petitioner or not. That the petitioner has answered in the negative as the said criminal cases were foisted falsely by the rivals of the petitioner. Subsequently the police have also filed their final report exonerating the petitioner. Learned counsel has stated that though the authorities have asked the petitioner to submit the information, the authorities cannot reject the application on the sole basis that the information furnished by the petitioner is wrong. Further, learned counsel for the petitioner has stated that



there is no punishment prescribed either under the Act and the application does not state that in case any information furnished by the petitioner is found to be false, the application is liable to be rejected. Learned counsel has, therefore, prayed this Hon'ble Court to allow the present writ petition.

5. *Per contra*, the learned counsel appearing on behalf of the respondent State as well as the private respondents have vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the very purpose of seeking information from the petitioner is to see that there are no adverse reports or criminal antecedents against applicants who were applying for the P.D.S. licence. However, in this case the petitioner has suppressed the pendency of three criminal cases which were pending against him. Further, learned counsel has stated that in case any information is found to be false, the only corollary is that the application of the petitioner is liable to be rejected otherwise the very purpose of seeking the information would be defeated. Learned counsel has, therefore, prayed this Hon'ble Court to dismiss the present writ petition.

6. As seen from the Anenxure P/1 i.e. the application form as against column No. 8, the petitioner was obligated to disclose if any criminal case was pending against the applicant.



7. Admittedly, in this present case, the petitioner has applied on 29.01.2018 on which date as against the petitioner, the following criminal cases were pending as –

- i. Lakhisarai P.S. Case No. 10 of 2017 under Sections 341, 448, 323, 504 and 506 r/w 34 of IPC and under Section 3(1) (r) (2) (VA) of the SC/ST Act and*
- ii. Lakhisarai P.S. Case No. 329 of 2009 under Sections 341, 323, 307, 384 379, 504 r/w 34 of IPC.*

8. Therefore, it cannot be said that non disclosure of the cases pending do not have any material bearing on the application made by the petitioner. That in case the submission made by the petitioner is to be accepted, the very purpose of having the said column would be defeated.

9. This Court does not find any merit in the present writ petition which warrants any interference and the same is accordingly dismissed.

(A. Abhishek Reddy , J)

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