

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.384 of 2024

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Veena Kumari @ Bina Kumari Wife of Binod Kumar Singh Resident of
Vilalge-Paramanandpur, P.S.-Pratapganj, District-Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through its, the Principal Secreary, Food and Civil Suply
Department, Government of Bihar, Patna, District-Patna.
2. The Divisional Commissioner, Koshi Division, Saharsa, District-Saharsa.
3. The District Magistrate, Supaul, District-Supaul
4. The Sub-Divisional Officer, Birpur, Distirct-Supaul.
5. The Block Supply Officer, Raghopur, District-Supaul.
6. Sabana Khatoon D/o Md. Ilyas, W/o Md. Noor Islam Resident of Village-
Adraha, P.S.-Pratapganj, District-Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajiv Ranjan Kumar Pandey, Adv.
For the Respondent/s	:	Mr. Government Pleader 20
For the Resp. No. 06	:	Mr. D.N. Tiwari, Adv.

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

6 13-05-2024

Heard the learned counsel for the parties.

2. This writ petition has been filed for the following

relief(s):-

*“That this writ application is being
field for issuance of a writ in the nature of
“Certiorari” quashing the order dated
27.09.2023 passed by the Divisional
Commissioner, Koshi Division, Saharsa in
Supply Revision Case No. 28/2023 whereby an
whereunder he has pleased to reject the
Revision Application of the petitioner and
affirmed the order dated 11.02.2020 passed by
the District Magistrate, Supaul in Supply*



Appeal Case No. 15/2019 whereby the District Magistrate, Supaul has rejected the Appeal of the petitioner.”

3. Learned counsel for the petitioner has assailed the order passed by the Divisional Commissioner Koshi Division, Saharsa in Supply Revision Case No. 28/2023 whereby the revision application filed by the petitioner was rejected affirming the order dated 11.02.2020 passed by the District Magistrate, Supaul in Special Appeal Case No. 15/2019. Learned counsel for the petitioner has stated that the petitioner has applied for PDS shop license and pursuant to the verification by the District Selection Committee, her candidature was recommended and she was directed to deposit the fee vide Memo no. 845-2(44) Aa dated 26.07.2018. That the petitioner has deposited the above said amount through Challan on 28.07.2018. Thereafter the authorities have suddenly issued the Memo no. 991-2/Aa dated 27.08.2018 rejecting the candidature of the petitioner without giving any opportunity to the petitioner or putting her on prior notice. That on enquiry, the petitioner found that her candidature was rejected on the ground that the computer certificate was not enclosed with the application form. Learned counsel has stated that the respondent authorities instead of rejecting the candidature of the petitioner



ought to have given an opportunity to the petitioner to clarify the things and if necessary, produce another copy of the computer certificate. Though the petitioner has challenged rejection by way of Appeal and by way of Revision, the authorities without considering the factual matrix have rejected the appeal and revision in the mechanical manner. Aggrieved by the same, the petitioner is constrained to move this Hon'ble Court by way of the present C.W.J.C.. Learned counsel for the petitioner has drawn the attention of the court to the computer degree certificate obtained by the petitioner in the year 2017 (Annexure- P/11) to contend that the petitioner has the requisite qualification and that her rejection is not only illegal, bad but arbitrary. Learned counsel has therefore prayed for setting aside the order of rejection dated 27.08.2018 by allowing the present C.W.J.C.

4. Per contra, the learned counsel appearing on behalf of the respondent No. 6 as well as the respondent-State has vehemently opposed the very maintainability of the present writ petition and stated that the present writ petition is liable to be dismissed on the ground of suppression of material fact. That both the Appellate as well as the Revisional Authority duly taking into consideration the fact that the petitioner at the time



of filing her application did not enclose the computer certificate have rejected her application. Further, learned counsel has drawn the attention of the Court to the application filed by the petitioner as well as the check memo filled by the petitioner along with the C.W.J.C. to buttress their contention that the petitioner has not submitted the computer degree certificate.

5. A perusal of the documents more particularly the Annexure- P/1 wherein as against the Serial No. 10 (कम्प्यूटर योग्यता से संबंधित प्रमाण पत्र की स्वअभिप्रमाणित छायाप्रति), the petitioner has not ticked the same or stated anything about having the computer degree certificate, whereas against the other columns the petitioner has filled each and every column by ticking the same. Further as seen from the application of the petitioner as against the Serial No. 1(च) with regard to computer knowledge the petitioner has left the same blank without filling it. The non-filling of any information as against the above two columns relating to computer knowledge has to be held against the petitioner and it has to be construed that at the time of filling the application the petitioner did not have the requisite computer qualification. Any prudent person who has the certificates could have filled those two columns in the affirmative duly enclosing the certificates. In the absence of the same it cannot be held that the



petitioner was having the requisite qualification as on the date of filing of the application.

6. Having regard to the same, this Court does not find any infirmity in the orders passed by the Divisional Commissioner in the Supply Revision Case No. 28/2023 and by the District Magistrate in the Supply Appeal Case No. 15/2019, which warrants any interference. This Court does not find any merit in the present writ petition which warrants the granting of the relief sought, the writ petition is accordingly dismissed however without costs.

(A. Abhishek Reddy , J)

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