

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18782 of 2024

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Surendra Prasad son of Parmanand Prasad, Resident of Village-Radhaganj Bajar, Ramnagar, Husepur, P.O.-Radhaganj, P.S.-Bhore, District-Gopalganj, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Saran Division, Saran at Chapra.
3. The Collector cum Chairman, District Level Selection Committee (Supply), Gopalganj.
4. The Collector cum District Magistrate, Gopalganj.
5. The Sub Divisional Officer, Hathua, District-Gopalganj.
6. The Block Supply Officer, Bhore, District-Gopalganj.
7. Mukesh Kumar Sah, son of Ram Naresh Sah, Resident of Village-Khargram Chaapar, P.O.-Bankatta Jagirdari, P.S.-Bhore, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Abhinav
For the Respondent/s : Mr.Government Pleader (27)

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

Date : 17-09-2025

Heard the learned counsel for the parties.

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

“(i) For issuance of an appropriate direction/order or writ in the nature of certiorari quashing the order dated 27.09.2024/06.11.2024 (Annexure-P/9) passed by the learned Divisional Commissioner in Supply Appeal Case No. 163 of 2022 by which the valid selection of this petitioner for P.D.S. Shop dealership has been cancelled on the sole ground that the Petitioner was outside



India at the time of filing of application form and during the whole selection proceedings for appointment as a PDS License.

(ii) For commanding and restraining the respondents to not disturb the petitioner from discharging his duty as P.D.S. dealer in view of the facts that the petitioner being the best suitable candidate amongst others under Rule 9(v) of Bihar Targeted Public Distribution System (Control) Order, 2016 and considering the aforesaid aspect, the District Level Selection Committee has recommended for his selection.

(iii) For staying further actions and decisions for issuance of a fresh license in favour of private respondent no. 7 i.e., Mukesh Kumar Sah or any other candidate, pursuant to the order dated 27.09.2024/06.11.2024 passed by the learned Divisional Commissioner.”

3. It is the case of the petitioner that pursuant to the advertisement given on 30.11.2018 which was published in the Hindustan and Dainik Jagran on 07.12.2018 for selection of eligible candidates for the Public Distribution System Licence under Gopalganj Sadar Sub-division and Hathua Sub-division in Gopalganj District. The petitioner has applied for the same. It is stated that the petitioner was out of India and in Doha Qatar from 04.12.2018 and before leaving for Doha the petitioner had filled the form duly enclosing all the documents and certificates and



handed over to the family members. Thereafter, the family members have dispatched the application of the petitioner by registered post within the time i.e. between 07.12.2018 and 24.12.2018. The petitioner has received a notice on 01.01.2020 in memo no. 43/Mu issued by the S.D.O. Hathua, Gopalganj and the S.D.O. Hathua after due verification has issued PDS license no. 04/2021 dated 29.01.2021 in favour of the petitioner. Though the Respondent No. 7 herein has filed objections before the Block Development Officer, Bhore prior to issuance of license, the Block Development Officer on verification found that the application as well as the documents filed by the petitioner were genuine and passed an order dated 04.02.2021 vide memo no. 152 in favour of the petitioner. Thereafter, the Respondent No. 7 has again filed another objection before the District Level Selection Committee and the same was registered as Misc. Appeal No. 35/2021 and notice was issued to the petitioner. The Respondent No. 7 thereafter filed a writ petition bearing C.W.J.C No. 15499 of 2021 which was disposed of granting liberty to file a suitable representation/ complaint before the concerned Divisional Commissioner. The Respondent No. 7 thereafter filed a complaint before the Divisional Commissioner, Saran at Chhapra and the Divisional Commissioner vide order dated 27.09.2024/06.11.2024



was please to allow the complaint filed by the Respondent No. 7 and cancelled the license issued in favour of the petitioner. Challenging the order passed by the Divisional Commissioner dated 27.09.2024/06.11.2024 the present writ petition is filed.

4. Learned counsel for the petitioner submits that merely because the application is filed on behalf of the petitioner by the family members, the same cannot be a ground for cancelling the license of the petitioner. Learned counsel submits that the license of the petitioner cannot be cancelled solely on the ground that the petitioner was not in India as on the date of making this application. Learned counsel has, therefore, prayed this Hon'ble Court to allow the present writ petition by setting aside the order of the Divisional Commissioner dated 27.09.2024/06.11.2024 and consequently direct the respondents to restore the license issued in favour of the petitioner.

5. *Per contra*, the learned counsel appearing on behalf of the Respondent/State as well as the Respondent No. 7 have vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the petitioner by playing fraud has got his application filed and as a matter of fact the petitioner was not present in India as on the date of making his application. That the petitioner himself has admitted that he was



not in India and gone to Doha Qatar on 04.12.2018 and returned back to India only on 16.01.2021. Therefore, the order passed by the Divisional Commissioner does not suffer from any infirmity and prayed this Hon'ble Court to dismiss the present writ petition.

6. Admittedly in the present case, the petitioner was not in India from 04.12.2018 till he returned back on 16.01.2021. This fact has not been denied by the petitioner and same is evident from Annexure- P/2 which is the endorsement of the immigration authority on the passport of the petitioner. Admittedly, the advertisement was published in the newspaper on 07.12.2018 and the petitioner was not in India from 04.12.2018 onwards. A perusal of the application made by the petitioner for grant of PDS license reveals that the same is dated 20.12.2018 and the place of signing the said application is mentioned as Ramnagar, Husepur which admittedly is a false claim as the petitioner was not in Ramnagar on 20.12.2018. Whenever an application form is filled by any applicant, they are legally bound to fill the true and correct information in the said application. In this case, the perusal of the application made by the petitioner gives an impression that the petitioner was available at Ramnagar, Husepur on 20.12.2018 and the same was signed on that very same day, which is a false statement, when admittedly the petitioner was in Doha on that very



particular day. The furnishing of false information amounts to playing fraud and the application is bound to be rejected on this solitary ground alone.

7. Having regard to the same, this Court does not find any merit in the present writ petition which warrants any interference with the well reasoned order passed by the Divisional Commissioner dated 27.09.2024/06.11.2024.

8. The present writ petition is accordingly dismissed.

(A. Abhishek Reddy , J)

Gauravkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.09.2025.
Transmission Date	N/A

