

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2693 of 2025

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Jyoti Ranjana D/o- Raj Kumar Paswan, W/o- Naresh Kumar Nirala, R/o-
Bishanpur Bande @ Bishanpur Bandey, P.O. Dharampur Bandey, P.S.- Patory,
District- Samastipur, Bihar- 848504.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.
3. The Divisional Commissioner, Darbhanga Division, Darbhanga.
4. The District Magistrate-cum-Collector, Samastipur.
5. The District Selection Committee, Samastipur under the Chairmanship of District Magistrate, Samastipur.
6. The Sub Divisional Officer-cum-Licensing Authority, Sadar, Samastipur.
7. The District Supply Officer, Samastipur.
8. The Block Supply Officer, Morwan, Samastipur.
9. Soni Kumari, W/o Amresh Kumar Resident of Village and Post- Dharampur Bandey, P.S.- Patory, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dharmendra Kumar Paswan, Adv.
	:	Mr. Jai Prakash Singh, Adv.
	:	Mr. Amar Kumar, Adv.
	:	Ms. Deepshikha, Adv.
	:	Ms. Mahi Priya, Adv.
For Respondent No. 9	:	Ms. Mahasweta Chatterjee, Sr. Adv.
	:	Mr. Ujjawal Kumar Singh, Adv.
	:	Mr. Arvind Kumar Sinha, Adv.
For the Respondent/s	:	Mr. Vivek Pd, Government Pleader (07)
	:	Mrs. Manisha Singh, AC to GP7

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

8 28-01-2026 Heard the learned counsel for the parties.

The present writ petition has been filed for the
following relief(s):-

*“i. For the issuance of an appropriate
direction, order, or writ in the nature of certiorari,*



quashing the order dated 30.11.2024, passed by the learned Divisional Commissioner, Darbhanga Division, Darbhanga (Respondent No. 3). in P.D.S. Appeal Case No. 20 of 2022, by which the valid selection of the petitioner for the P.D.S. Shop dealership was cancelled on the sole ground that the petitioner's age is less than that of Respondent No. 9, without issuing notice to the petitioner and without considering the fact that the date of birth of the Petitioner as per matriculation certificate is 12.04.1991 and the Respondent no. 9 date of birth is 08.04.1992. therefore petitioner is older than the Respondent No. 9.

ii. For the issuance of an appropriate direction, order, or writ in the nature of certiorari, quashing the Memo No. 33 dated 14.01.2025 passed by learned Sub Divisional Officer-cum-Licensing Authority, Sadar, Samastipur (i.c. Respondent No. 6) by which the Respondent No. 6 has cancelled petitioner's PDS License No. 264/2019 as per direction/order dated 30.11.2024 of the Respondent No. 3 i.e. The Divisional Commissioner, Darbhanga Division. Darbhanga, without considering the fact and has not been given the sufficient opportunity to the petitioner against the proposal of cancellation of her license which is against the Rule 27(ii) of Bihar Targeted P.D.S. (control) order, 2016.

iii. 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 as the petitioner is eligible in educational qualification as well as computer certificate and she got the higher marks i.e. 56.75% as per merit list and the Respondent No. 9 got 54.63% marks in the said merit list. It is pertinent to mention here that the petitioner is older than the Respondent No. 9, accordingly the petitioner is eligible as per the 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 her selection.

iv. After quashing the order dated 30.11.2024 and Memo No. 33 dated 14.01.2025,



hold and declare that the petitioner is entitled to run the said PDS shop on being otherwise she was duly recommended / selected by the District Level Selection Committee in the year of 2019.

v. For any other relief or reliefs to which the petitioner may be found entitled to in the facts and circumstances of this case.”

3. The following relief has been added vide order dated 23.04.2025 by way of I.A. No. 01 of 2025.

“vi. For the cancellation of the PDS License of the private respondent (i.e. Respondent No. 9) vide PDS License No. 37 of 2025 dated 21.01.2025, issued by the Sub Divisional Officer-cum-Licensing Authority, Sadar, Samastipur.”

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner was initially selected as a PDS dealer pursuant to the notification issued by the respondent-State and subsequently, license was issued in her favour. That based on the complaint made by the respondent No. 9 herein, the Divisional Commissioner has allowed the appeal filed by the respondent No. 9 and pursuant to which the authority has cancelled the license issued in favour of the petitioner.

5. Learned counsel submits that in the impugned order passed by the Divisional Commissioner, there is absolutely no reason given by the authority. That as a matter of fact, the petitioner is a graduate having computer knowledge



and completed her advanced diploma in computer applications and her date of birth is also as per the SSC record it is 12.04.1991 whereas that of the respondent No. 9 is a graduate having computer knowledge but only a certificate course which is a basic course and her date of birth is also 08.04.1992 as per the SSC record. Learned counsel submits that the authority without taking the same into consideration has simply passed the impugned order in a mechanical and pedantic manner and absolutely no discussion has been made by the authority while allowing the appeal filed by the respondent No. 9 herein. Learned counsel submits that the authority has simply stated that the petitioner is not eligible but has not given the reason for the same. Learned counsel therefore, prays this Hon'ble Court to set aside the impugned order passed by the Divisional Commissioner dated 30.11.2024 and also consequential order passed by the Sub-Divisional Officer dated 14.01.2025 and restore the license of the petitioner.

6. *Per contra*, the learned Senior Counsel Ms. Mahasweta Chatterjee, assisted by Mr. Ujjawal Kumar Singh, Advocate appearing on behalf of the respondent No. 9 has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the authority has passed



the reasoned order duly taking into consideration all the facts and circumstances and having found that the respondent No. 9 is a graduate and having computer knowledge. That the husband of the petitioner is working as a government teacher and, therefore, selection of the petitioner itself is irregular and bad. Learned counsel has further stated that the petitioner is having an alternative and effective remedy of filing a representation before the Principal Secretary under Rule 32(vii) of the Bihar Targeted PDS (Control), 2016 and, therefore, the present writ petition has to be dismissed. Further, learned counsel has stated that the orders of the Divisional Commissioner have already been implemented and the license issued in favor of the respondent No. 9 therefore, the cause in the present writ petition does not survive and the same has become infructuous. Learned counsel has therefore, prayed this Hon'ble Court to dismiss the present writ petition.

7. Admittedly in the present case, the petitioner has completed the graduation and is having a degree of advanced diploma in computer application. That the date of birth of the petitioner as per the SSC, intermediate and other documents is 12.04.1991 whereas the educational qualification of the respondent No. 9 is that she is graduate, having computer



knowledge, having completed certificate course in computer and her date of birth as per the SSC is 08.04.1992. It is to be noted that the impugned order passed by the authority, there is absolutely no discussion on what basis the authority has come to the conclusion that the respondent No. 9 is having more qualification than that of the petitioner. The authority except stating that the petitioner is ineligible to be appointed as a PDS dealer has not stated anything as to how he has come to the said conclusion.

8. That with regard to the objection taken by the learned counsel for the respondent No. 9 that the petitioner is not qualified to be appointed in the first place as her husband is working as a government teacher is concerned, it is to be noted that Rule 11(vi) of the Bihar Targeted PDS (Control) Order, 2016 which reads as under;

“11. Disqualifications of getting a fair price shop license.

(i)

(ii)

(iii)

(iv)

(v)

(vi) A person holding a post of profit in the Government shall not be allotted a fair price shop.”

9. A perusal of the above gives an impression that the same is applicable only to the incumbent to his applying for



the PDS license and not to the family members of the applicant. Further, the other ground taken by the counsel for the respondent No. 9 that the petitioner is having an alternative and effective remedy of filing a representation before the Principal Secretary under Rule 32(vii) of the Control Order, 2016 against the orders of the Divisional Commissioner is concerned, the same is misplaced as the said representation can be made in cases where license of the PDS dealer is cancelled and thereafter, he has preferred an appeal and revision and after exhausting the revision, the alternative remedy is to file a representation before the Principal Secretary but in cases where selection of the candidate is in question the only remedy available to the aggrieved party is to file an appeal before the Divisional Commissioner and against the said orders of the Divisional Commissioner, the present writ petition is only remedy.

10. This Court as well as the Apex Court, on number of occasions, have held that any authority/Court/quasi judicial authority have to necessarily give reasoning in the order passed by them. Unless reasons are given in the order, neither the party nor the superior forum or Courts before whom the order is challenged will be in a position to appreciate as to what has



weighed with the said authority either for dismissing or allowing the application of the petitioner. Though the quasi judicial or administrative authority are not obligated to give a lengthy or elaborate reasoning as in the case of Judicial order, yet they are expected to give a reasoned order which should be precise, concisely setting out the reason for allowing or dismissing the contention/application as the case may be.

11. The Hon'ble Supreme Court in the case of *Assistant Commissioner, Commercial Tax Department, Works Contract and Leasing, Kota vs. Shukla and Brothers*, reported in *(2010) 4 SCC, 785*, the Hon'ble Supreme Court has held as under:

“..... while exercising the power of judicial review on administrative action and more particularly the judgment of courts in appeal before the higher court, providing of reasons can never be dispensed with. The doctrine of audi alteram partem has three basic essentials. Firstly, a person against whom an order is required to be passed or whose rights are likely to be affected adversely must be granted an opportunity of being heard Secondly, the authority concerned should provide a fair and transparent procedure and lastly, the authority concerned must apply its mind and dispose of the matter by a reasoned or speaking order.....

..... A litigant who approaches the court with any grievance in accordance with law is entitled to know the reasons for grant or rejection of his prayer Reasons are the soul of orders Non-recording of reasons could lead to dual infirmities; Firstly, it may cause prejudice to the affected party and secondly, more particularly, hamper the proper administration of justice. These principles are not only applicable to administrative or executive actions, but they apply with equal force and, in fact, with a greater



degree of precision to judicial pronouncements. The orders of the court must reflect what weighed with the court in granting or declining the relief claimed by the applicant."

12. Further, the Hon'ble Supreme Court in the case of ***Kranti Associates Private Ltd. and Another vs. Masood Ahmed Khan and Others*** reported in ***(2010) 9 SCC 496*** at Para 47 has held as under;

“47. Summarizing the above discussion, this Court holds:

(a) *In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.*

(b) *A quasi-judicial authority must record reasons in support of its conclusions.*

(c) *Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.*

(d) *Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.*

(e) *Reasons reassure that discretion has been exercised by the decision-maker on relevant grounds and by disregarding extraneous considerations.*

(f) *Reasons have virtually become as indispensable a component of a decision-making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.*

(g) *Reasons facilitate the process of judicial review by superior courts.*

(h) *The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of*



reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision-making justifying the principle that reason is the soul of justice.

(i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

(j) Insistence on reason is a requirement for both judicial accountability and transparency.

(k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

(l) Reasons in support of decisions must be cogent, clear and succinct. A pretense of reasons or "rubber-stamp reasons" is not to be equated with a valid decision-making process.

(m) It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision-making not only makes the judges and decision-makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor [(1987) 100 Harvard Law Review 731-37].)

(n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See Ruiz Torija v. Spain [(1994) 19 EHRR 553] EHRR, at 562 para 29 and Anya v. University of Oxford [2001



EWCA Civ 405 (CA)], wherein the Court referred to Article 6 of the European Convention of Human Rights which requires, “adequate and intelligent reasons must be given for judicial decisions”. (o) In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of “due process.””

13. Having regard to the above mentioned facts and circumstances, this Court finds it expedient to set aside the impugned order dated 30.11.2024 passed by the Divisional Commissioner, Darbhanga Division, Darbhanga and remand the matter back to the Sub-Divisional Officer for passing orders afresh. The authority before passing any orders shall put the petitioner as well as the respondent No. 9 on notice and give them an opportunity of hearing. The authority shall endeavor to pass necessary orders as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. The authority shall pass a reasoned order duly giving the reasons either for accepting the claim of the petitioner or that of the respondent No. 9 herein. The authority shall duly taking into consideration the observations made by this Court while passing the orders. Any orders passed shall be communicated to the parties. In case any adverse orders are



passed against the parties, they are free to challenge the same by way of separate writ petition.

14. With the above direction, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

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