

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.424 of 2025

In
Civil Writ Jurisdiction Case No.3817 of 2023

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Md Shakir Raza@ Md.Sakir Raza Son of Md. Jamiluddin Resident of Village
Jiyanganj, P.S. Kasba, District Purnea.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Patna.
2. The Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Purnea.
4. The District Magistrate, Purnea.
5. The Sub-Divisional Officer, Sadar, Purnea.
6. The District Supply Officer, Block - Kasba, Purnea.
7. The Block Supply Officer, Block - Kasba, Purnea.
8. Md. Rahmat Ali, Son of Abdus Samad Ansari, resident of Matkopa Jiyanganj, Gurhi, Distt. Purnea.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar Singh, Sr. Advocate Mr. Ram Prawesh Kumar, Advocate Mr. Avnish Kumar, Advocate Mr. Ashish Kumar, Advocate
For the State	:	Mr. S.Raza Ahmad, A.A.G.-5 Mr. Alok Ranjan, A.C. to A.A.G.-5
For the Resp. No. 8	:	Mr. Md. Imtiyaz Hussain, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-02-2026

This Letters Patent Appeal has been filed by Md.
Shakir Raza @ Md. Sakir Raza, challenging the order dated
24.03.2025 passed by the learned Single Judge in C.W.J.C. No.
3817 of 2023, whereby the writ petition filed by Md. Rahmat



Ali, who is Respondent No. 8 in this appeal, was allowed and the authorities were directed to issue a license in his favour.

2. Before proceeding further, it would be relevant to take note of that in terms with the order dated 08.01.2026, a supplementary affidavit has been filed stating therein that in compliance with the order of the learned Single Judge, license has already been issued in favour of Respondent No. 8, Md. Rahmat Ali. The relevant paragraph nos. 4, 5, 6, 7 and 8, are extracted herein below:-

"4. That it is relevant to submits that Sub Divisional Officer Sadar Purnea issued a letter vide letter no. 980 dated 16.4.2025 in view of C.W.J.C. No. 3817 of 2023 passed by Hon'ble High Court Patna dated 27.3.2025 in favour of Respondent no. 8 S.D.O. Sadar Purnea has issued a license for public Distribution system as per the order of Hon'ble High Court.

5. That learned SDO Sadar Purnea respondent further issued a license No. 01/2025 and chalan No. 10910/2025 for 2.6.2025 in favour of Respondent no.8.

6. That thereafter the legal metrology officer namely Jay Kumar Pandey Inspector has given measures center machine Respondent no. 8.

7. That it is stated and submitted before this Hon'ble court that the licensing authority Sub Divisional Officer Sadar Purnea has fully complied



the order of Hon'ble Single Judge passed by Hon'ble Mr. Justice A. Abhishekh Reddy in C.W.J.C. No. 3817/2023.

8. That therefore once order has been complied by the competent authority nothing remains in the LPA i.e. LPA no. 424/2025 become infructuous."

3. The Respondent No. 8, the writ petitioner approached this Court seeking the following relief(s):-

"(i) For issuance of appropriate writ(s) thereby quashing and setting aside the impugned order dated 13.12.2022 as contained in Memo No. 02 dated 02.01.2023 passed by the respondent Divisional Commissioner, Purnea in Supply Revision No. 60/2022 (Md. Skahir Raza vs. the State of Bihar & ors.) whereby the said respondent while allowing the revision filed by the respondent no. 8 has reversed the order dated 15.03.2022 passed by the respondent no. 4 in Supply Appeal Case No. 188/2019 thereby directing the competent authority to select the respondent no. 8 as PDS dealer for Block- Kasba, Gram Panchayat Gurhi, Distt.-Purnea.

(ii) For consequently issuance of appropriate writ(s) thereby directing the respondents concerned to grant the petitioner PDS dealer license for Gram Panchayat, Gurhi, Block Kasba, Distt.-Purnea as he fulfills all the requisite eligibility for the same which is required under



Clause 9 of the Bihar Targeted Public Distribution System (Control) Order, 2016.

(iii) For grant of any other relief (s) which the petitioner may be entitled to in the facts and circumstances of the case.”

4. An advertisement was published by the Collectorate, Purnea, for grant of a PDS license in Gram Panchayat Gurhi, Block Kasba, in the district of Purnea, for general category candidates. However, no candidate of the general category applied for the same, the writ petitioner and Respondent No. 8 in the writ petition (who is now the appellant in the present Letters Patent Appeal), both belonging to the E.B.C. category, applied for the said license and their cases were duly considered.

5. It is the case of the writ petitioner that he passed the Fauquania examination in the year 2009 with first division from the Bihar State Madarsa Education Board, Patna, and also passed the Maulvi examination in the year 2012 with second division from the Bihar State Madarsa Education Board, Patna. Further, on 18.02.2014, he completed a one-year Advance Diploma in Computer Application course from Suchna Technosis Sansthan Private Ltd.

6. On the other hand, the Respondent No. 8 to the writ petition, though applied for the PDS license, but he did not



possess any certificate of a computer diploma course and had no knowledge of computers, which is a basic requirement under Rule 9(v) of the Bihar Targeted Public Distribution System (Control) Order, 2016, for getting preference in the grant of a PDS license.

7. On 12.06.2017, the writ petitioner submitted his application for the PDS license along with all relevant certificates, including the certificate of computer knowledge. On 27.07.2017, the Block Supply Officer, Kasba, submitted an enquiry report to the Sub-Divisional Officer, Sadar, Purnea, stating that the petitioner possessed computer knowledge. A comparative chart was also prepared with regard to the eligibility criteria, which indicated that the writ petitioner had computer knowledge and the relevant certificate was made available, whereas such certificate was missing in the case of Respondent No. 8.

8. Despite the fact that Respondent No. 8 to the writ petition did not possess the computer certificate and the petitioner fulfilled the requisite eligibility criteria for the PDS license, Respondent No. 8 was selected for the PDS license for Gurhi Gram Panchayat.

9. Aggrieved by the said order, the writ petitioner



challenged the decision before this Court in C.W.J.C. No. 564 of 2019. This Court directed the petitioner to prefer an appeal before the Appellate Authority. Accordingly, the writ petitioner preferred Supply Appeal No. 188 of 2019, and after hearing both the parties, the Appellate Authority cancelled the PDS license granted in favour of Respondent No. 8 and directed the authorities to select the writ petitioner and grant the license in his favour.

10. Challenging the order of the Appellate Authority, Respondent No. 8 filed Supply Revision No. 60 of 2022 before the Divisional Commissioner, Purnea. The Revisional Authority reversed the order mainly on the ground that Respondent No. 8 had submitted the certificate of computer knowledge on 30.07.2018, i.e., before the last date for submission of objections.

11. It was contended by the writ petitioner that possession of a computer knowledge certificate is a pre-requisite under Rule 9(v) of the Control Order, 2016, and therefore, any interference with the Appellate Authority's order by the Divisional Commissioner, Purnea, in exercise of revisional jurisdiction was neither proper nor justified. It was further contended that the genuineness of the certificate produced by



Respondent No. 8 is doubtful. The writ petitioner also filed a supplementary affidavit annexing the application format.

12. Respondent No. 8, who is the appellant in this Letters Patent Appeal, filed his counter affidavit upon notice and stated that at the time of consideration of the applications, both the writ petitioner and Respondent No. 8 possessed computer qualifications and had filed documents to that effect. It was further stated that Respondent No. 8 had obtained higher marks in the Maulvi examination and, therefore, the order passed by the Revisional Authority was justified.

13. The learned Single Judge, after hearing the learned counsel for the parties and considering the pleadings, was pleased to observe as follows:-

"6. In order to resolve the issue involved in the present writ petition, this Court has called for the original file pertaining the selection of the respondent No. 8 and perused the applications made by both the petitioner as well as the respondent No. 8. A perusal of the application made by the petitioner reveals that he was having the requisite qualifications and in his application. As against column No. 1(ख) as against the "कंप्यूटर ज्ञान" (computer knowledge), the petitioner has stated "yes" and enclosed the requisite certificates. The check list of the petitioner also



reveals that as on the date of his application he was having the computer knowledge and had enclosed the certificates. However, in the application made by the respondent No. 8 as against the column No. 1(छ) i.e., "कंप्यूटर ज्ञान", the respondent No. 8 has not filled up the column and left it blank. Though the learned counsel for the respondent No. 8 has relied on the check list prepared at the time of application to contend that the respondent No. 8 was having the computer knowledge, a perusal of the check list reveals that there is interpolation in the column No. 6 at "कंप्यूटर का ज्ञान है या नहीं" initially the word "Yes" has been struck off and "No" has been written. Though the learned counsel has stated that somebody has tried to manipulate his check list. A perusal of the same reveals that the ink which has been used is different from the rest of the page. Therefore, the respondent No. 8 cannot take advantage of the same as in the application made by the respondent No. 8 as against the computer knowledge he has left it blank. Further, the respondent No. 8 has relied on another check list purported to have been made on 31.05.2017 but perusal of the same reveals that ink on the said check list is different from the one prepared by the authorities earlier when compared to the other documents prepared on the very same day, the ink is new and in a different hand writing therefore, the same also cannot be take into consideration.



7. Having regard to the above mentioned facts and circumstances, the reasons given by the Divisional Commissioner in setting aside the order of the appellate authority and restoring the license of the respondent No. 8 cannot be countenanced in view of the provisions of the (Control) Order, 2016, more specifically Rule 9(v) which reads as under;

“9. The following facts shall be considered in allotting a fair price shop by the Selection Committee.

(i)

(ii)

(iii)

(iv)

(v) The applicant of a fair price shop's license must be matric pass and an adult;

Provided that the applicant having computer knowledge shall be given priority. In case of equality in computer knowledge, the applicant having highest qualification and in case of equality in highest qualification also the applicant of older age shall be given priority.”

8. The Rule is very clear that a person who has passed a matriculation and having computer knowledge should be preferred and in case of a person having a higher qualification, the person having a higher qualification should be



selected and in case the educational qualifications are same then the age should be taken into consideration. In this particular case, both the petitioner as well as respondent No. 8 are having equal qualification but insofar as the respondent No. 8 is concerned, he does not have the requisite computer knowledge as on the date of his filing the application. The application made by the petitioner reveals that as against column 1(ख) he has left blank and does not reveal that he has enclosed the copy of the computer certificate obtained by him.

9. Having regard to above mentioned facts and circumstances of the case, the order passed by the Divisional Commissioner, Purnea dated 13.12.2022 is set aside and the order passed by the appellate authority in Supply Appeal No. 188/2019 dated 15.03.2022 is restored. The authorities are directed to issue the license in favour of the petitioner as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order. The original file which produced by the government pleader is being returned."

14. Learned counsel for the appellant argued that the learned Single Judge should not have entered into the disputed question of fact, coming to the conclusion that the checklist purported to have been made on 31.05.2017 was different from the one prepared by the authorities earlier. The learned Single



Judge completely ignored the fact that the appellant had submitted the certificate of computer knowledge prior to the cut-off date for filing objections.

15. It was further argued that the District-Level Selection Committee, after due consideration of the educational qualifications as well as the certificate of computer knowledge of the appellant, had made a recommendation for grant of PDS license in favor of the appellant. Since the appellant has better educational qualifications than the writ petitioner, the impugned order suffers from perversity and is liable to be set aside.

16. Learned counsel appearing for Respondent No. 8, the writ petitioner, supported the impugned order passed by the learned Single Judge.

17. Rule 9(v) of the Bihar Targeted Public Distribution System (Control) Order, 2016 reads as follows:

"9(v) The applicant of a fair price shop's license must be matric pass and an adult;

Provided that the applicant having computer knowledge shall be given priority. In case of equality in computer knowledge, the applicant having highest qualification and in case of equality in highest qualification also the applicant of older age shall be given priority."

18. On a plain reading of the afore noted provision, it



appears that the minimum qualification eligibility criteria require that the applicant should be a matriculate and an adult. However, in cases where number of applicants have applied for a license of a fair price shop, priority is to be given to the applicant possessing computer knowledge. If all applicants have equal computer knowledge, then the applicant with the highest educational qualification is to be given preference. In case of equality in the highest qualification, the applicant who is older in age is to be given priority.

19. The application was invited in the year 2017, and both the writ petitioner and Respondent No. 8, who is the appellant in this Letters Patent Appeal, applied for the same. In the application filed by the writ petitioner, in the prescribed column relating to computer knowledge, he not only marked “Yes” but also enclosed the requisite certificate. As far as the appellant is concerned, he left the said column blank.

20. The learned Single Judge took into account the checklist, which revealed that in column number 6, initially the word “Yes” had been struck off and written “No”. Though it is required that, at the time of filing the application, the applicant must possess computer knowledge and priority is to be given accordingly, the diploma certificate produced by the appellant



indicates that his session for diploma course was during 2017-18, but the certificate was issued on 08.04.2017. This appears to be a *prima facie* fake certificate, as issuance of a certificate in April 2017, before the completion of the diploma session, cannot be accepted.

21. It, thus, *prima facie* appears that in the application filed by the appellant for the fair price shop, he rightly left the column regarding computer knowledge blank but subsequently produced the diploma completion certificate in the year 2018. As on the date of application, both the writ petitioner and Respondent No. 8 (the appellant) possessed matriculation qualifications. However, the writ petitioner also had computer knowledge and was therefore entitled to be given priority.

22. In that view of the matter, we are of the opinion that the learned Single Judge was fully justified in allowing the prayer made in the writ petition and directing the authorities concerned to issue the license in favor of the writ petitioner. We do not find any perversity or illegality in the impugned order passed by the learned Single Judge.

23. In an intra-court appeal, unless there is perversity, palpable unreasonableness, or inconsistency with any position of law, the order should not be disturbed, as the appellate



jurisdiction under a Letters Patent Appeal is corrective in nature.

24. In view of the foregoing discussion, we do not find any reason to interfere with the impugned order. Accordingly, the Letters Patent Appeal stands dismissed.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

Neha/-

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CAV DATE	
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