

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15403 of 2025

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Ashok Kumar Singh Son of Arjun Singh, Resident of Village, P.O. and P.S.-
Brahampur, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Home (Police), Government of Bihar, Old Secretariat, Patna.
3. The Director General of Police, Home, Government of Bihar, Patna.
4. The District Magistrate, Buxar.
5. The District Arms Magistrate, Buxar.
6. The Superintendent of Police, Buxar.
7. The Sub-Divisional Officer, Dumraon, Buxar.
8. The Officer-in-Charge, Brahampur, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajat Kumar Tiwary Mrs. Deepika Sharma, Advocates.
For the Respondent/s	:	Mr. Vivek Prasad, Government Pleader (7) Mr. Sanjay Kumar, AC to GP-7 Ms. Roona, AC to GP-7

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 28-04-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been preferred for the
following relief(s):-

*“i. For issuance of appropriate
writ/writs, order/orders, direction/directions
in the nature of quashing the impugned
order dated 28.10.2021 passed by the
District Magistrate, Buxar, in Case Nos.*



516/2006 and 517/2006, whereby and whereunder the application of the Petitioner for grant of arms license has been arbitrarily and illegally rejected, in complete violation of the directions of this Hon'ble Court, the provisions of the Arms Act, 1959, and the fundamental principles of natural justice; (Annexure-P/11; Pg. 57 & 58)

ii. For issuance of appropriate writ/writs, order/orders, direction/directions in the nature of mandamus, commanding the Respondents, particularly the District Magistrate, Buxar, to forthwith grant the arms license sought by the Petitioner pursuant to his application dated 09.02.2006, in view of the categorical recommendations made by all the competent authorities in view of the long and unexplained delay, repeated illegalities, and harassment caused to the Petitioner over the last two decades.

iii. To declare that the



retrospective application of Rule 10 of the Arms Rules, 2016 to the Petitioner's pending application of 09.02.2006 is arbitrary, unsustainable in law, and violative of Articles 14 and 21 of the Constitution of India.

iv. To hold and declare that the action of the Respondents in not issuing notice of hearing, in not disclosing adverse material (if any), in passing orders behind the back of the Petitioner, and in withholding communication of orders for years together is illegal, arbitrary, mala fide, and in violation of the Petitioner's constitutional rights under Articles 14 and 21 of the Constitution of India.

V. For any other relief/reliefs to which the Petitioner may be found entitled to by this Hon'ble Court."

3. Learned counsel for the petitioner submits that this is the second round of litigation and initially against order dated 16.10.2008 passed by the District Magistrate, Buxar whereby



the application of the petitioner for grant of license for a revolver/pistol and an N.P. Bore Rifle was rejected against which the petitioner is said to have moved before this Court *vide* CWJC No.11196 of 2013 whereby the matter was remitted by the Co-ordinate Bench *vide* order dated 21.09.2015 directing the licensing authority to take a fresh decision in accordance with law. Thereafter, the petitioner filed several representation before the District Magistrate, Buxar for compliance of the order passed by this Court in the aforementioned case, but the authorities sat over the applications of the petitioner forcing the petitioner to file contempt petition being MJC No. 2943 of 2019 which was disposed of finally on 26.09.2024, where the opposite parties apprised the Hon'ble Court regarding the rejection order made in the year 2021 itself.

4. It is the further case of the petitioner that the two applications being Case No. 516/2006 and 517/2006 originally filed, which are said to have been rejected *vide* order dated 28.10.2021, whereby the petitioner has been asked to provide training certificate and according to the petitioner the requirement of training certificate to obtain license by licensing authorities cannot be made retrospectively, over such applications, which have been filed prior to the Notification in



question issued by the authorities, making it a pre-requisite for grant of license.

5. In order to buttress his submissions, the petitioner relied upon the judgment passed by the Co-ordinate Bench in CWJC No. 22187 of 2019, whereby the following observations have been made in para 5, 10, 11, 14 and 15 onwards:-

“5. Fact remains that the petitioner’s application for grant of license again has been rejected by an order dated 31.08.2018, this time on the ground that the petitioner failed to produce training certificate as specified in Rule 10 (1) of the Arms Rules, 2016 and also because he failed to appear before the licensing authority. The said order dated 31.08.2018 is under challenge in the present writ application.

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10. A counter affidavit has been filed accordingly on behalf of the District Magistrate, Rohtas, wherein it has been vaguely stated that some licences have been allowed by the then District Magistrate, Rohtas, after 15.07.2016 till 03.05.2018 whereafter the present incumbent has



taken over the post of District Magistrate, Rohtas. It is the case of the District Magistrate, Rohtas that since, 03.05.2018 no Arms licence has been granted in the district of Rohtas. If the said statement is to be accepted, the provisions under the Arms Act, 1959, which deal with grant of Arms licence has been rendered meaningless as no arms licence could be granted in absence of certificate in form S-1 because of the said sub-rule (1) of Rule 10. After coming into force of the said Rules, according to the District Magistrate, no licence can be granted even in favor of those, who had submitted their applications much before coming into force of the Rules. It is noteworthy, as has already been mentioned above, that under the orders of the Court dated 28.09.2015, the District Magistrate was expected to take a decision on the petitioner's application for grant of licence within two months. The said order of this Court has admittedly been flouted by the District Magistrate and there is no explanation on record to justify the defiance of the said Courts' order.



11. Understandably, the difficulties were arising because of incorporation of the provision of requirement of a certificate for an applicant to apply for Arms licence in the State of Bihar in the absence of any notification issued by the Central Government as stipulated under sub-rule (3) of Rule 10 of the Rules. Accordingly, a clarification was sought by the Home Department (Police) Government of Bihar from the Ministry of Home, Government of India through letter dated 20.06.2017, a copy of which has been brought on record by way of part of Annexure 11th series. In response to the clarification sought, the Ministry of Home Affairs, Government of India wrote a letter to the Under Secretary Home, Government of Bihar dated 07.07.2017 to the following effect:-

*“ To
Shri Girish Mohan Thakur
Under Secretary (Home)
Government of Bihar
Secretariat, Patna*

*Subject:-Clarification sought by the
State Government of Bihar regarding Rules 10 &
39 of the Arms Rules, 2016.*



Sir,

I am directed to refer to Government of Bihar letter No.7/Anu-10-12/2017/5053 dated 20th June, 2017 on the above subject.

2. With regard to the clarification sought by the State Government of Bihar, the following are clarified:

Clarification on Rule 10 and Rule 39 of the Arms Rules, 2016

The Central Government in the Ministry of Home Affairs has to issue detailed guidelines by passing a general or special order in consultation with Ministry of Sports and Youth Affairs for deciding the norms, syllabus and other functionalities for Accredited Trainers and Master Accredited Trainers under rule 39 of the Arms Rules, 2016. Till such guidelines are circulated, the licensing authorities may be allowed to get the weapon handling training from the armours working with state police departments, CAPFs and defence forces and the certificate S-1 in the prescribed Proforma as mentioned in the Arms Rules, 2016 may be issued by a committee/mechanism established by the State



Government for such purpose. Further, the State Government may not put up any additional requirements of furnishing of documents or eligibility norms to what has been specified in the Arms Rules, 2016.

*Yours faithfully
Sd/-
(Rajesh Ranjan)
Under Secretary to the Govt. of India”
(Underlining for emphasis)*

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14. The District Magistrate in his counter affidavit has not referred to the clarification issued by the Government of India. There is no clue from his affidavit as to whether he has any knowledge about the clarification issued by the Government of India or not. The clarification issued by the Government of India mentions that “licensing authorities may be allowed to get the weapon handling training from armours...”. It is manifest from the said clarification that the Licensing Authorities are required to be given permission to get the weapon handling training from the armours with the State



Police Departments, CAPFs etc.

15. On analysis of uncontroverted facts noted above it is manifest beyond doubt that the petitioner's application has been rejected for non-compliance of something, which was impossible for him to comply with. He could not have submitted certificate in form S-1. When he had submitted his application for grant of licence there was no such requirement. The District Magistrate has nowhere stated that he had arranged for the training as clarified by the Government of India, which could have led to the grant of a certificate in form S-1. He has stated in the counter affidavit that the petitioner was asked through notice dated 26.08.2018 to appear before him on 31.07.2018 with the documents. Subsequently on 27.08.2018, the petitioner was directed to produce the required training certificate as provided in Rule 10 (1) of the Arms Rules, 2016. As has already been indicated, it was impossible for the petitioner to have produced a certificate under S-1 on 31.08.2018 after having received the notice dated



27.08.2018, in view of the above mentioned discussion. The stand of the District Magistrate that the petitioner did not appear on 31.08.2018, in Court's opinion, lacks bona fide. It is evident from the uncontroverted facts that the petitioner is pursuing his matter right from 2002 for grant of arms licence. In most likelihood, the petitioner could not have missed his chance to appear on the date fixed before the District Magistrate for his appearance for grant of arms licence, without any reason. In any event, on the ground of absence for a day, the petitioner's application for grant of arms licence ought not to have been rejected.

16. In my view, none of the reasons assigned by the District Magistrate in his order rejecting the petitioner's application for grant of arms licence is legally sustainable. The impugned order, therefore, in my view wholly arbitrary and unreasonable and is, accordingly, set aside.

17. This application is accordingly allowed with the following directions, in the facts and circumstances noted above:-



(I) The petitioner shall appear before the District Magistrate, Rohtas along with a copy of this order on 03.02.2020 in his office at 10.30 A.M. The District Magistrate shall ensure that he is available in his office at 10.30 A.M. The District Magistrate will be duty bound to inform the petitioner the training which he is required to undergo and the place where such training is being imparted for issuance of a certificate in Form S-1.

(II) In the event, no arrangement has been made for imparting training as stipulated in terms of clarification issued by the Government of India, he will be required to adjourn the hearing of the petitioner's application for grants of arms licence by two weeks. In the meanwhile, he shall be under obligation to ensure that adequate arrangements are made for imparting training as stipulated in the said clarification of the Government of India.

(III) If the Licensing Authorities have not been allowed so far to arrange for training as stipulated in the clarification of the Government of



India, the District Magistrate shall be duty bound to seek guidelines in this regard, from the Home Department, Government of Bihar.

(IV) If no final decision has been taken by the Respondents, allowing the Licensing Authorities to arrange weapon handling training from the armours, working in the State Police Department etc, as stipulated in the clarification, the Home Department Government of Bihar shall be duty bound to ensure that necessary orders are issued within two weeks of receipt of any such requests from the District Magistrate, Rohtas, who is the licensing authority.

(V) It is clarified that the District Magistrate shall not reject the petitioner's application for grant of arms licence on the ground of non-availability of certificate in Form S-1 unless he records a finding that despite necessary arrangements having been made in terms of the clarification and opportunity having been given to the petitioner to receive such training, the petitioner has refused to receive the requisite



training.

(VI) The petitioner's application shall be considered afresh accordingly.

(VII) The Additional Chief Secretary, Home Department, Government of Bihar shall examine as to why petitioner's application had remained pending, which was expected to be disposed of within two months of the order of this Court dated 28.09.2015 and consider initiating disciplinary action against the then District Magistrate, of Rohtas who failed to carry out the direction of the Court.

(VIII) I express my strong displeasure over the manner in which the petitioner's application for grant of Arms licence has been handled, despite judicial orders of this Court. Such irresponsible behaviour of the licensing authority may have the consequence of public losing faith in the system founded on Rule of law, altogether. I, therefore, forewarn the Respondents to be more cautious and careful in future while discharging statutory functions, so as to avoid evil



consequences.

18. Considering the manner in which the petitioner's application has been rejected by the licensing authority as has been discussed above, I find it to be a fit case where cost should be imposed.

19. Accordingly, this application is allowed with a cost of Rs.10,000/-(ten thousand) to be paid by the District Magistrate, Rohtas to the petitioner within four weeks from the date of receipt/production of a copy of this order.

20. Learned counsel for the State shall ensure that the District Magistrate, Rohtas is communicated about the fact that under today's order of the Court, dictated in the Court room in this case, the District Magistrate has to remain present in his office at 10.30 A.M. on 03.02.2020, when the petitioner will be required to be given an audience by him."

6. On the other hand, Sri Vivek Prasad, learned counsel for the State respondents submits that since the issues have been put at rest, the authorities may be directed to examine



the facts and on finding the case of the petitioner to fall within the parameters fixed by the Co-ordinate Bench, necessary decisions can be taken in accordance with law.

7. Considering the submissions of the parties, this Court directs the authorities to examine the facts and on finding the case of the petitioner falling within the parameter of the judgment relied upon by the petitioner, wherein the retrospective requirement of training certificate has been waived by the co-ordinate Bench and in the event, if it is found that this case is covered by the said judgment, the necessary steps shall be taken in similar terms within the period of eight weeks from the date of receipt/production of a copy of this Order.

8. The writ petition stands disposed of.

(Ajit Kumar, J)

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