

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.970 of 2024
In
Civil Writ Jurisdiction Case No.4506 of 2024

=====

Vijay Kumar Son of Dinnanath Ram Resident of village Varuna Khurd, P.O.-
Basudhar, P.S.- Itarhi, District- Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. The Divisional Commissioner, Patna Division, Patna, Bihar
3. The District Magistrate, Buxar
4. The District Supply Officer, Buxar
5. The Sub-Divisional Officer, Buxar
6. The Block Development Officer, Itarhi, Buxar
7. The Block Supply Officer, Itarhi, Buxar
8. Upendra Kumar Son of Gudari Ram Resident of Village Varuna, P.O.-
Basudhar, P.S.- Itarhi, District- Buxar

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Udbhav, Advocate
For the Respondent/s	:	Mr. S.D. Yadav, AAG-9
		Mr. Anil Kr. Verma, AC to AAG-9

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

5 26-02-2026 The present *intra* court appeal has been filed against the judgment and order dated 20.08.2024 passed in CWJC No. 4506 of 2024, whereby the learned Single Judge allowed the writ application, and set aside the orders wherein the PDS license of the private respondent (Respondent No. 8) was cancelled.

2. The brief facts of the present case are that the



private respondent in the year 2018 was selected as a PDS license dealer by the District Level Selection Committee, and was running his shop. Upon a complaint made by the appellant, the Sub-Divisional Public Grievance Officer, Buxar, made extensive inquiries, and found that the petitioner had concealed facts and did not disclose true information regarding his identity. It was alleged that the private respondent had appeared in Matriculation examination twice, with different names, and he had two Voter ID cards with these names. Further a criminal case was instituted against the petitioner on the basis of such allegations.

3. Considering the allegations and the pending criminal case, the Divisional Commissioner *vide* order dated 05.10.2023 cancelled the PDS license given to the private respondent. Aggrieved by the same, he preferred the impugned writ application, which came to be allowed. The present appeal has been filed against the said order passed in impugned writ application.

4. The learned Single Judge while allowing the writ petition held that the Additional Sub-Divisional Officer Buxar, *vide* his report dated 04.01.2021 had verified the claims of the private respondent, and found his certificate and documents to



be genuine. The learned Single Judge further held that the Divisional Commissioner in its order dated 05.10.2023, did not refer to the said report, and only on the basis of pending criminal cases proceeded to cancel the PDS license of the private respondent. The learned Single Judge further relied upon the documents submitted by the private respondent which established the identity of private respondent as 'Upendra Kumar' only, and not by any other name. The relevant paragraphs of the impugned judgment are reproduced as under:

6. Admittedly, as seen from the record, the Additional Sub-Divisional Officer, Buxar dated 04.01.2021 has verified the documents filed by the petitioner and also the documents filed by the respondent No. 8 and came to the conclusion that the documents issued in favour of the petitioner were found to be genuine and the petitioner is known only by the name of Upendra Kumar and, moreover, it was further held in the report that the alleged application made in the name of Pankaj Kumar Kamal to the post of Vikas Mitra is suspicious one. However, the Divisional Commissioner, Patna while passing the order impugned in the present writ petition has not adverted to the said report and has passed the order in a mechanical manner solely based on the fact that a police complaint has been registered in the name of the petitioner.

7. This Court, vide order dated 14.05.2024, has directed the petitioner to file all the relevant documents to substantiate that the petitioner is known only by the name of Upendra Kumar. Pursuant to the said order, the petitioner has filed a rejoinder along with the



relevant documents.

8. A perusal of the documents (Annexure-P/9 series of the rejoinder) reads as follows;

- 1. Photocopy of Admit Card, 2000 issued by the Bihar School Examination Board.*
- 2. Photocopy of Marks Sheet, 2000 of Bihar School Examination Board, Patna.*
- 3. Photocopy of Certificate dated 24.10.2000 of Bihar School Examination Board, Patna.*
- 4. Photocopy of School Leaving Certificate dated 18.07.2000.*
- 5. Photocopy of Admit Card, 2002 issued by the Bihar Intermediate Education Council, Patna.*
- 6. Photocopy of Marks Statement dated 17.06.2002 of Bihar Intermediate Education Council, Patna.*
- 7. Photocopy of Certificate dated 15.10.2002 of Bihar Intermediate Education Council, Patna.*
- 8. Photocopy of Admit Cards for Bachelor of Arts of Veer Kunwar Singh University, Ara.*
- 9. Photocopy of Mark Sheet dated 15.11.2005 of Veer Kunwar Singh University, Ara.*
- 10. Photocopy of Provisional Certificate dated 19.08.2023 for Bachelor of Arts of Veer Kunwar Singh University, Ara.*
- 11. Photocopy of Admit Card for Master of Arts of Veer Kunwar Singh University, Ara.*
- 12. Photocopy of Marks Sheet dated 27.08.2007 for Master of Arts of Veer Kunwar Singh University, Ara.*
- 13. Photocopy of Provisional Certificate dated 19.08.2023 for Master of Arts of Veer Kunwar Singh University, Ara.*
- 14. Photocopy of Marks Sheet dated 28.07.2013 for Bachelor of Physical Education.*
- 15. Photocopy of the Result Card dated 03.10.2023 of Bihar School Examination Board for Secondary Teacher Eligibility Test, 2023.*
- 16. Photocopy of the Election Certificate dated 22.05.2011.*



9. All the above documents filed by the petitioner reveal that the petitioner is known only by the name of Upendra Kumar and not by any other name. It is pertinent to note that some of the documents filed by the petitioner pertain to the year 2000. The respondent No. 8 except filing the application obtained under the Right to Information Act, 2005 showing that the application has been made by the Pankaj Kumar Kamal, has not filed any other documents to substantiate the allegation, merely because a criminal complaint is filed and an FIR is registered against the petitioner, the same cannot be the basis for cancelling the license issued in favour of the petitioner has directed the District Officer, Buxar to cancel the license of the petitioner.”

5. Learned counsel for the appellant submits that the appellant had approached the concerned authorities with his grievance that the private respondent had committed forgery, and had multiple identities/names. On basis of such allegations, a criminal case had also been instituted against the private respondent. Therefore, the Divisional Commissioner had rightly cancelled the license of the private respondent on basis of the findings available to him. Learned counsel further submits that in the impugned writ application, the learned Single Judge erroneously entered into fact finding, and should have limited itself to procedural correctness under the writ jurisdiction. The learned counsel further submits that the learned Single Judge unilaterally relied upon the documents submitted by the



petitioner, and as such the impugned judgment is fit to be set aside.

6. Upon perusal of materials on record, it is apparent that the respondent no. 08 (private respondent) was granted the PDS shop license in the year 2018, after due verification of the documents furnished by him. It is also not in dispute that the Additional Sub-Divisional Officer Buxar, *vide* his report dated 04.01.2021 had verified the documents of the private respondent, and found his certificate/documents submitted to be genuine. As such, the claim by the appellant that the private respondent is having multiple identities seems to be personally motivated. The appellant has not brought any material document/evidence on record to show that the private respondent indeed has two names.

7. It is also pertinent to note that the appellant, who was the original complainant against the private respondent, has not been able to dislodge the findings recorded by the learned Single Judge by bringing any substantive material on record. Moreover, there is nothing to indicate that the private respondent had obtained the PDS license by taking advantage of any alleged second identity. The case of the appellant does not demonstrate that the private respondent, by use of another name,



managed to secure eligibility or gain any undue advantage in the process of grant of the PDS license. In the absence of any element of misrepresentation or fraud that could have influenced the decision of the authorities in granting the license, the mere assertion that the private respondent may be known by more than one name does not, by itself, invalidate the grant of the PDS license.

8. It is a well-settled principle that a Writ Court, in the exercise of its jurisdiction under Article 226, generally refrains from adjudicating disputed questions of fact; this principle has been squarely applied to the present proceedings. Upon perusal of records, it is clear that the learned Single Judge restricted the inquiry to the limited issue of identity of the private respondent, and the subsequent action of the authorities based on it. While the appellant failed to produce any material evidence to substantiate his allegations, the Private Respondent submitted original documentation dating back to the year 2000, which serves as conclusive proof of his identity. Additionally, the respondent authorities have also brought no material evidence on record to substantiate such claims. Accordingly, the claim of the appellant that the private respondent had two different identities cannot be sustained. As such, the action taken by the



respondent authorities against the private respondent cannot be said to be in accordance with law.

9. In the above facts and circumstance of the case, and considering the discussions made above we find no illegality or perversity in the order of the learned Single Judge, and the order is hereby affirmed.

10. Accordingly, the present *intra* court appeal stands dismissed.

11. It is however made clear that the criminal case pending against the private respondent (Respondent No. 8) shall be dealt with independently based on the evidence adduced by the parties, and any findings or observations made herein shall not have any effect on the said criminal case.

12. Pending application(s), if any, shall stand disposed of.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

Anushka/-

U			
---	--	--	--

