

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.442 of 2025

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Samim Mansuri S/O Vajir Miya R/O Village- Ward No 07, Vijaypur, P.S.-
Valmikinagar, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection Deptt.
Govt. of Bihar, Patna.
2. The Commissioner, Tirhut Commissioner, Muzaffarpur
3. The District Magistrate, District- West Champaran at Bettiah.
4. The District Supply Officer, District West Champaran
5. Additional District Supply Officer, Champaran, West Champaran
6. The Sub-Divisional Officer, Bagaha, District- West Champaran.
7. Sikandar Ansari S/O Late Idan Ansari R/O Village- Ward No. 07, Vijaypur,
P.S- Valmikinagr, District-West Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey, Adv.
For the Respondent/s	:	Mr. Braj Bhushan Mishra, AC to AG
For Respondent No.7	:	Mr. Ajay Kumar Thakur, Adv.
		Mr. Shivam, Adv.

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

CAV JUDGMENT

Date : 13-08-2026

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the
respondent-State.

2. In the present writ application, the petitioner has
prayed for the following reliefs:-

*“(I).....For quashing of the order dated
20.04.2023, passed by The Commissioner,
Tirhut Division, Muzaffarpur (Respondent
No. 2) in PDS Revision Case No. 52/2023,*



whereby and where under the Respondent No. 2 rejected the petitioner's revision upholding the decision of selection of Sikandar Ansari (Respondent No. 7) for giving PDS license, made by the District Level Selection Committee, without considering the fact that, the petitioner's position was above the Respondent No. 7 in the merit list.

(ii) For directing the respondent authorities to cancel the License of PDS shop issued to the Respondent No. 7, as the selection of Respondent No. 7 for allotment of PDS license has been given illegally by eclipsing the petitioner.

(iii) For directing the Respondent authorities to give the PDS Shop license to the Petitioner, which was denied solely on the ground that, the petitioner's basic computer Degree is of an institution from Nepal, whereas other candidates have been granted License on the basis of Basic Computer degree pursued from Nepal, or even without basic computer degree.

(iv) For issuance of any other appropriate writ, order/orders, direction/directions for which the petitioner shall be found entitled under the circumstances of the case.

4. Learned counsel appearing on behalf of the petitioner submits that pursuant to a press release, the petitioner applied for a PDS licence for the vacant PDS shop in the prescribed format along with the requisite degree/certificate and other



required documents enclosing the Basic Computer Degree Certificate as required under the guidelines for issuance of a PDS shop license.

5. Learned counsel for the petitioner contends that the petitioner pursued computer education from the neighboring country of Nepal from Golden Computer Education Centre which is situated in Triveni-6, Raninagar, Nawalparasi, Lumbini, Nepal, and after completion of the computer course, the Centre issued him a certificate dated 22.07.2014, and accordingly, the petitioner enclosed the said certificate along with his application for the PDS license.

6. Learned counsel for the petitioner contends that the respondent-authorities, under the signatures of the concerned authorities, published a list after inviting claims and objections, containing the details of the candidates and their certificates in respect of Bagaha-2, Gram Panchayat-Valmikinagar. In the petitioner's case, it has been mentioned that he had obtained the computer certificate from Nepal and the required land details had not been furnished by him. Learned counsel for the petitioner further stated that thereafter, he submitted the land documents on 09.10.2018,



wherein details of 94 decimals of land were furnished, and the same was never in dispute. Learned counsel for the petitioner further submits that the petitioner's name appeared at Serial No. 3 in the merit list with 57.6% marks, and the candidates placed at Serial Nos. 1 and 2 were found ineligible on the ground that they had failed to submit proper documents relating to land. Whereas the petitioner fulfilled all the eligibility criteria, despite that his candidature was rejected solely on the ground that he had obtained his computer certificate from Nepal.

7. Learned counsel for the petitioner further contends that he challenged the arbitrary action of the respondents by filing CWJC No. 2200 of 2020 before this Court, which was disposed of on 18.11.2022 by the Division Bench of this Court, which contained in Annexure-P/6, with a direction that in the event, the petitioner filed an appropriate representation/complaint before the concerned Divisional Commissioner within a period of 30 days, the Commissioner would consider the same and, after hearing all the stakeholders, pass a final order within a further period of 60 days. In compliance with the aforesaid direction, the petitioner filed PDS Revision Case No. 52 of 2023 before the



Commissioner, Tirhut Division, Muzaffarpur. However, the Commissioner, Tirhut Division, Muzaffarpur, rejected the case of the petitioner solely on the ground that the petitioner's computer certificate had been issued by an institution situated in Nepal, therefore, his candidature was held to have been rightly rejected vide order dated 20.04.2023, which is annexed as Annexure-P/7. He lastly contends that the respondent-authorities have illegally granted the PDS licence to respondent No. 7 while arbitrarily denying the same to the petitioner, therefore, the impugned order deserves to be set aside.

8. Per contra, learned counsel appearing on behalf of respondent No. 7 submits that the petitioner obtained the computer certificate from Golden Computer Education Centre, Raniganj, Lumbini, Nepal, whereas the computer certificate of respondent No. 7, namely Sikandar Ansari, had been issued by an authorized institution based in India. Therefore, the respondent-authorities rightly rejected the candidature of the petitioner. Learned counsel for respondent No. 7 further urged that, as per paragraph 13 of Memo No. 67/A dated 30.11.2018 issued by the S.D.M., Bagaha, it has been specifically clarified that the computer certificate ought



to have been issued by a Government-recognized institution. The petitioner admittedly did not obtain the certificate from a Government-recognized institution in India. Therefore, the candidature of the petitioner was rightly rejected.

9. Learned counsel for the State as well as respondent No.7 further contended that the Divisional Commissioner, i.e., respondent No. 2 has rightly passed the impugned order after considering the general order issued by the S.D.M., Bagaha, vide Memo No. 67/A dated 30.11.2018, and, therefore, does not require any interference of this Court.

10. I have heard learned counsel appearing on behalf of the respondent parties and have gone through the materials available on record.

11. Indisputably, the computer certificate of the petitioner, which is on record, has been issued from Golden Computer & Educational Centre situated at Triveni-6, Raninagar, Nawalparasi, Lumbini, Nepal, and not from a Government-recognized institution in India. The Divisional Commissioner, after taking into consideration the Memo No. 67/A dated 30.01.2018, passed by the S.D.M., Baagaha, in which, at paragraph-13, it has been clarified that the



educational qualification of the candidate shall be recognized by the Government. Therefore, he has rejected the P.D.S. Revision Case No. 52 of 2023 vide order dated 20.04.2023. It is also not in dispute that the petitioner was aware and well informed of the order dated 30.01.2018 passed by the S.D.M., Bagaha, and the petitioner had earlier filed the writ application challenging the decision of placing him 3rd in the merit list and raising objections about his computer certificate which has been obtained from Nepal and the same was disposed of on 18.11.2022. Here, in the present case, the petitioner has questioned the order passed by the Divisional Commissioner, Tirhut Division, Muzaffarpur by filing the present writ application that too after a delay of one and a half year. It is also not in confrontation that though the petitioner has approached this court on two occasions including the present one questioning the order of Commissioner, as aforesaid, but he has not chosen to question the order contained in Memo No. 67/A dated 30.01.2018 passed by the S.D.M, Bagha, at any point of time, if, in his view, it was contrary to law and also on the ground that the other Government institutions are accepting the certificates obtained from Nepal. The said order was the foundational



stone of the order passed by Commissioner, Tirhut Division, Muzaffarpur, which is under question before this Court, and, therefore, in my view, does not suffer from any infirmity and impropriety warranting interference of this Court.

12. To make it more clear, this Court intends to refer Article 12 of the Constitution of India, wherein the term “Government” is described, which reads as under:

“In this part, unless the context otherwise requires, "the State" includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.”

13. The plain reading of Article 12 demonstrates that the term “Government” includes the States and all local or other authorities within the territory of India or under the control of the Government of India.

14. In the present case, it is specifically clarified at paragraph-13 of the order contained in memo No. 64/A dated 30.01.2018 passed by the Sub-Divisional Officer, Bagaha that the educational certificates shall be recognized by the Government, which means Government of India or any local or other authorities within the territory of India or under the control of the Government of India and the Commissioner,



Tirhut Division, Muzaffarpur has rightly passed the order dated 20.04.2023 rejecting the revision filed by the petitioner in proper interpretation of paragraph-13 of the order dated 30.01.2018 passed by the Sub-Divisional Officer, Bagaha and also taking into account the fact that the computer certificate of the petitioner has been obtained from Nepal which does not forms part of the Government.

15. For the aforesaid reason, I do not find any merit in this writ application so as to interfere with the order passed by the Commissioner, Tirhut Division, Muzaffarpur. Accordingly, this writ application shall stand dismissed.

(Girijish Kumar, J)

Aman/-

AFR/NAFR	
CAV DATE	28.07.2026
Uploading Date	13.08.2026
Transmission Date	

