

GAHC010008322023



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/260/2023**

NURAL ISLAM  
S/O- LT. MOFIZ UDDIN SARKAR, VILL- KAMINIRBHITA, P.S. LAKHIPUR,  
DIST.- GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS  
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, FOOD, CIVIL  
SUPPLIES AND CONSUMER AFFAIRS DEPTT., DISPUR, GHY-06

2:THE DIRECTOR  
FOOD  
CIVIL SUPPLIES AND CONSUMER AFFAIRS  
ASSAM  
GHY-5

3:THE DY. COMMISSIONER  
GOALPARA  
ASSAM  
783101

4:THE DY. DIRECTOR  
FOOD  
CIVIL SUPPLIES AND CONSUMER AFFAIRS  
GOALPARA  
ASSAM  
783101

5:THE SUPPLY INSPECTOR  
FOOD  
CIVIL SUPPLIES AND CONSUMER AFFAIRS  
GOALPARA

ASSAM  
783101

6:THE AREA OFFICER  
FOOD  
CIVIL SUPPLIES AND CONSUMER AFFAIRS  
GOALPARA  
ASSAM  
783101

7:THE SECRETARY  
M/S. TAKIMARI S.S. LIMITED  
P.O. TAKIMARI  
P.S. LAKHIPUR  
DIST.- GOALPARA  
ASSAM- 78312

**Advocate for the Petitioner** : MR. A M KHAN

**Advocate for the Respondent** : GA, ASSAM

**BEFORE**  
**HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**Date : 04-08-2023**

Heard Mr. A.M. Khan, learned counsel for the petitioner; Mr. M. Chetia, learned Junior Government Advocate, Assam for the respondent nos. 1 – 6.

The petitioner was granted a licence of Fair Price Shop [FPS] vide Licence no. PDA-1304/2008 under the provisions of the Assam Public Distribution of Articles [APDA] Order, 1982. The petitioner used to operate his Fair Price Shop [FPS] at Village – Monkala, P.O. Tulshibari, District - Goalpara within the area of operation of M/s Takimari Samabay Samittee Limited. The petitioner renewed his licence from time to time and lastly, his licence was renewed up to 31.03.2022.

The Department of Food, Civil Supplies and Consumer Affairs, Government of Assam took a decision, conveyed vide a letter under Memo no. DS.81/2020/516-A dated 07.08.2021, to tag the ration cards of Fair Price Shops having 50 or less than 50 ration cards with the nearest Fair Price Shops having more than 50 ration cards under a scheme named One Nation One Ration Card [ONORC] Scheme. Subsequent to the said decision, the licence of the petitioner was not renewed subsequent to 31.03.2022. The petitioner has asserted that he is a specially abled person suffering from 40% permanent disability and the said fact has been certified by the Medical Authority, Goalpara Assam. Since a policy decision has already been taken by the State Government in its Cabinet Meeting, held on 19.10.2021, to exempt the Fair Price Shops having 50 or less than 50 ration cards the owners of which are either widows and specially abled persons from the purview of the One Nation One Ration Card [ONORC] Scheme, the decision not to renew PDS licence of the petitioner issued under the APDA Order, 1982 beyond 31.03.2022 was improper and unauthorized.

Mr. Chetia, learned Junior Government Advocate, Assam appearing for the respondent nos. 1 – 6 has submitted that the petitioner did not approach the respondent authorities, more particularly, the Deputy Commissioner, Goalpara who is the Licensing Authority, in time seeking exemption as a specially abled person.

From the Disability Certificate bearing Certificate no. AS0310419680150676 dated 26.02.2021 issued by the Medical Authority, Goalpara and the Unique Disability ID, appended to the writ petition, it *prima facie* appears that the petitioner is a specially abled person having 40% permanent disability. In such view of the matter, the respondent no. 3, as the Licencing Authority, shall

consider the case of the petitioner by taking into consideration the policy decision of the State Government to exempt the cases of the specially abled person from the purview of One Nation One Ration Card [ONORC] Scheme. Accordingly, this writ petition is disposed of with a direction to the respondent no. 3 to consider the case of the petitioner for exemption from the purview of One Nation One Ration Card [ONORC] in the exempted category of specially abled person within a period of 4 [four] weeks from the date of submission of a certified copy of this order at his office by the petitioner, along with an application accompanied by all the necessary certificates/documents including the Disability Certificate, the Unique Disability ID card, copies of which have been appended to this writ petition, in support of his claim regarding specially abled person and for exemption from the purview of the One Nation One Ration Card [ONORC] Scheme. If after such examination, the respondent no. 3 finds that the petitioner falls in the category who can be exempted from the purview of the One Nation One Ration Card [ONORC] Scheme, then necessary steps shall be taken forthwith thereafter for renewal of PDS licence of the petitioner under the APDA Order, 1982.

This order disposes of the writ petition.

**JUDGE**

**Comparing Assistant**