

Court No. - 6

Case :- WRIT - C No. - 37731 of 2023

Petitioner :- Isravati

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Bheshaj Puri, Anshul Sengar

Counsel for Respondent :- C.S.C., Sher Bahadur Singh

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Ishan Deo Giri, Advocate, holding brief of Mr. Bheshaj Puri, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

The writ petition has been filed by the petitioner with a prayer to quash the order dated 16.10.2023 passed by respondent no.3 whereby the proposal dated 05.09.2023 passed by Gram Panchayat Narau, Block Ujhani, District Budaun for selection of fair price shop dealer in favour of petitioner has been cancelled. It is further prayed to direct the respondent no.3 to complete the process of appointment of fair price shop dealer in pursuance of the aforesaid proposal dated 05.09.2023.

Learned counsel for the petitioner submits that an agenda dated 28.08.2023 was placed by Pradhan for selection of fair price shop dealer at Village Narau, Block Ujhani, District Budaun. Pursuant to the aforesaid agenda, an open meeting was held on 05.09.2023 which was in favour of the petitioner. It appears that some complaint was made by one of the contenders respondent no.5, on which, without any notice or opportunity of hearing to the petitioner, the proposal dated 05.09.2023 in favour of the petitioner was cancelled by order dated 16.10.2023. Therefore, the impugned order cancelling the proposal dated 05.09.2023 in favour of the

petitioner is in violation of principles of natural justice, illegal and unjustified.

On the basis of instructions, learned Standing Counsel submits that a proper enquiry was conducted, in which, the videography as done of the open meeting held on 05.09.2023, it was found that the female votes were not counted in favour of respondent no.5, therefore, the proposal in favour of petitioner is cancelled, however, could not dispute the fact that petitioner was not given any notice in this regard nor was permitted to participate in the enquiry proceedings.

In view of above and in the interest of justice, the order impugned dated 16.10.2023 passed by respondent no.3 is **quashed** with a direction to the respondents-authorities to proceed afresh, holding an open meeting, in accordance with law, at the earliest.

With the aforesaid observations/directions, the writ petition stands **allowed**.

Order Date :- 13.12.2023

Rahul.