

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1046 of 2015

- =====
1. Ramanand Singh Son of Late Ram Pratap Singh Resident of village - Bhushra, P.O. Hashna, P.S. Gayaghat, Block Gayaghat, District - Muzaffarpur
 2. Chandan Kumar Mishra Son of Lalan Mishra Resident of village - Khangura Dih, P.O. Khangura Dih, Panchayat - Khangura Dih, P.S. Katra, Block - Katra, District - Muzaffarpur
 3. Awadesh Singh Son of Ram Lagan Singh Resident of Village - Jarang Tok, P.O. Jarang Deodhi, P.S. Gayaghat, District - Muzaffarpur
 4. Sanjeet Kumar Singh Son of Jai Prakash Singh Resident of village + Post Kabarhu, P.S. Gayaghat, District - Muzaffarpur
 5. Panchu Mahaseth Son of Late Mushahar Mahaseth Resident of village - Biraucha, P.O. Kaya Biraucha, P.S. Gayaghat, District - Muzaffarpur
 6. Shiv Shankar Tiwari Son of Ram Joyti Tiwary Resident of village + Post Janata P.S. Gayaghat, District - Muzaffarpur
 7. Kailash Prasad Yadav Son of Late Shobha Ram Resident of village - Shivdaspur, P.S. Katra, District - Muzaffarpur
 8. Ram Naresh Jha Son of Late Raghunath Jha Resident of village - Gangeya Block - Katra, District - Muzaffarpur
 9. Kundan KUMar Son of Baidnath Kunwar Resident of village + Post - Tehwara, District - Muzaffarpur
 10. Rajesh Kumar Tiwari Son of Sri Jai Ram Tiwari Resident of village - Madhepura Post - Ameya Block - Ktra District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Department Food and Consumer Protection Affairs
2. The District Magistrate, Muzaffarpur
3. The Sub-Divisional Officer, West Champaran
4. The District Supply officer, Muzaffarpur
5. The Additional District Officer, Muzaffarpur
6. The Block Supply officer
7. The District Co-operative Officer, Muzaffarpur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Uday Prakash Sharma, Adv.
For the Respondent/s : Mr. Jainendra Kumar Sinha, A.C. to G.A. 6

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 15-04-2015 Heard Mr. Uday Prakash Sharma, learned counsel for the

petitioners and Mr. Jainendra Kumar Sinha, A.C. to G.A. 6 for the

State.

The petitioners who are 10 in numbers have prayed for a direction to the respondent authorities to allow them to run the shop run by the society under the public distribution system for the reason that the licence granted to the society in question is valid until 2016. It is further the grievance of the petitioners that the supplies have been stopped to these shops.

Mr. Sharma learned counsel for the petitioners very fairly has produced an order of the Licensing Authority-cum- Sub Divisional Officer, East Muzaffarpur bearing Memo No. 5 dated 7.1.2015 whereby the supplies which were stopped to such of the shops holding licenses under the Public Distribution System Control Order, 2001 as enforced in the State vide Bihar Fair Price Shop Order, 2007, which had undergone a change in management by reason of the cooperative election, were resumed following the reconstitution of the Managing Committee. The Managing Committee of the society concerned were also directed to authorize an operational manager to run the shops. The petitioners herein were holding post of Member/Chairman of the Managing Committee of the erstwhile society and some of them continue to be Members even after elections. Their grievance in fact is that they have been refused permission by the Managing

Committee of the society concerned to operate the shop.

Another issues raised by the Mr. Sharma is that though some challans against supplies have been deposited by the petitioners but the supplies are not forthcoming. It is submitted that it is the duty of the licensing authority to ensure that the supplies as against those challans be made to the concerned societies.

I have heard learned counsel for the parties and I have perused the records.

The license issued in respect of a society is to the society concerned exclusively and not to any individual, be it the Chairman of the society or its member. It is again the exclusive privilege of the Managing Committee to appoint any member or its Chairman to act as an Operational Manager of the shop in respect whereof the licence has been granted. The supplies to the shops run by the Society had been stopped on account of election and following the reconstitution of the Managing Committee it has been resumed. The petitioners are aggrieved by the decision of the Managing Committee in appointing some other person to run the fair price shop of the society.

The licence granted to the Society may be valid until 2016 but that does not give any right on the petitioners to continue as its

operational manager rather their continuation is wholly dependent upon the decision taken in this regard by the Managing Committee and if the Managing Committee of the society of which the petitioners are members, have taken a decision to appoint some body else as its operational authority, the petitioners can have no grievance for the discretion lies within the Managing Committee to appoint anybody as its operational manager. In so far as the issue of non supplies against deposited challan is concerned, it is within the domain of the society to take proper recourse. This writ petition is devoid of any merit and is dismissed accordingly.

Bibhash/-

(Jyoti Saran, J)

U			
---	--	--	--