

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3534 of 2014

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1. Md. Subhan Son Of Late Md. Hashim Resident Of Village - Padriya,
 Police Station - Sikti, District - Araria

.... Petitioner/s

Versus

1. The State Of Bihar
 2. The District Magistrate, Araria
 3. The S.D.O., Araria
 4. The Block Supply Officer, Block Sikti, District - Araria

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ansul, Advocate
 Mr. Sajid Salim Khan, Advocate
 For the Respondent/s : Mr. Dinbandhu Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
 PRATAP SINGH**
ORAL ORDER

4 17-08-2015 The petitioner seeks quashing of the order, dated 12.2.2008 passed by the District Magistrate, Araria in Appeal No.03 of 2007-08 affirming the order, dated 20.12.2007 passed by the S.D.O., Araria whereby the application of the petitioner for grant of license was rejected.

The case of the petitioner is that enquiry report for grant of license in favour of the petitioner was submitted on 13.11.2006 and being duly satisfied, the licensing authority asked the petitioner to deposit the security amount on 9.1.2007 which he immediately deposited. However, the license was issued on 5.4.2007, but in the meantime the Public Distribution System (Control) Order 2001 was enforced on 20.2.2007.



The petitioner states that in April, 2006 he applied for P.D.S. license under the prevalent rules i.e. Bihar Trade Articles Licenses Unification Order, 1984. He submits that Public Distribution System (Control) Order 2001 became enforceable only on 20.2.2007.

It appears that as per Public Distribution System (Control) Order 2001, the mode of selection under went change and now the selection is to be made on the recommendation of the District Selection Committee. As the selection of the petitioner was not made on the recommendation of the District Selection Committee, the impugned order cancelling the license was passed.

Learned counsel for the petitioner submits that the respondents erred in applying 2007 Control Order in his case as all process for grant of license was complete and only the license was to be issued. However, on account of delay on the part of the licensing authority, the license was belatedly issued on 5.4.2007 after enforcement of Public Distribution System (Control) Order 2001 on 22.2.2007.

It appears that in number of cases, the licenses were issued under the old process after 22.2.2007. These licenses were too cancelled. Against cancellation, writ applications were filed

which were allowed. The State went in appeal and the judgment of learned Writ Court was reversed.

The factual aspect of the cases of those petitioners is not before this Court. The petitioner states that in his case all formalities were complete save and except one of issuance of license. If the assertion of the petitioner is correct, the District Selection Committee would consider his case for grant of license. It would be open for the petitioner to file his representation along with a copy of this order before the District Selection Committee, which would be disposed of within a period of three months from the date of its receipt.

With the aforesaid observations and directions, this writ application stands disposed of.

(Samarendra Pratap Singh, J)

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