

CWP No.21433 of 2012

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.21433 of 2012
Date of decision:22.03.2016**

Jagdev Ram

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Tejinder Pal Singh, Advocate,
for the petitioner.

Mr. V. Ramswaroop, Addl. A.G., Punjab.

Rakesh Kumar Jain, J.

The petitioner is a handicapped person whose name was allegedly recommended by respondent No.5 for the New Ration Depot at village Sangatpura, which was superseded by another resolution of respondent No.5 in favour of respondent No.6. He has, thus, challenged the letter dated 28.10.2011 of allotment of Ration Depot and has prayed that it should be allotted as per the policy of the Government in terms of the letter dated 17.12.2009.

After notice, the respondents have filed reply, in which the following observations have been made:-

“3. It is pertinent to mention here that the petitioner has not fulfilled all the essential requirements for the allotment of license of Fair Price Shop as the petitioner is only 5th standard passed. The

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petitioner has not passed 10th standard which is very essential condition for the allotment of license of Fair Price Shop as per clause D of the policy (Annexure R-4) regarding opened the less price New Shop (Ration Depot) vide Memo No.:1khav110-a-09/5093 dated: Chandigarh 03/12/2009, which is reproduced as follows:-

“D. Education Qualification:-

10th Standard (Matric) and above

5th Standard (widow and widow of the armed personnel)”.

It is also an admitted fact that the petitioner had also filed a civil suit for declaration for the same relief for which the present petition has been filed, which was withdrawn unconditionally, without any liberty to file the present petition or to avail any other remedy in accordance with the law.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that the petitioner has failed to prove his eligibility for the allotment of Fair Price Shop, as he has the educational qualification less than 10th standard (Matric) and also availed the legal remedy by filing the civil suit on the same cause of action, which was withdrawn by him without obtaining permission of the Court to file the present writ petition.

Consequently, I do not find any reason to interfere in this petition and hence, the same is hereby dismissed.

March 22, 2016
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(Rakesh Kumar Jain)
Judge