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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 19/2016

M/S BAJRANG STORE Appellant

Through: Mr.Yogesh Kumar, Adv.

versus

GOVT OF NCT OF DELHI & ANR Respondent

Through: Mr.Peeyoosh Kalra, ASC for GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **12.01.2016**

CM No.1011/2016 (Exemption)

Allowed, subject to all just exceptions.

LPA No.19/2016

1. This appeal is preferred against the order of the learned Single Judge dated 09.12.2015 dismissing W.P.(C) No.8854/2015 as devoid of any merit.
2. We have heard the learned counsel for both the parties.
3. The appellant herein/writ petitioner is a licensee for the Fair Price Shop in Circle 48 (Ambedkar Nagar). He filed an application before the assistant Commissioner (South), Department of Food & supplies/Respondent No.2 herein to permit him to shift his Fair Price Shop to Circle 52 (Tughlakabad). The application was rejected on the ground that the shifting of PDS outlet from one Circle to another is to be treated as opening a new PDS outlet in that Circle and since the petitioner has not satisfied the requisite educational qualification, he is not eligible as per the existing Rules.

W.P.(C) No.8854/2015 came to be filed assailing the said order of the Respondent No.2 dated 31.08.2015 and the learned Single Judge declined to interfere in view of the admitted fact that the writ petitioner has not possessed the educational qualification as prescribed in the Rules. In the light of the said admitted fact, we are unable to hold that the order under appeal suffered from any illegality. We do not find any substance even in the contention that though the Rule requiring the applicant to be 10th class pass is of the year 1997, since the appellant herein was granted the Fair Price Shop authorization in the year 1998 without raising any objection as to the educational qualification, the respondent No.2 is not justified in rejecting his application for shifting the existing Fair Price Shop on the said ground. The law is well settled that no writ can be issued compelling the statutory authorities to act contrary to law.

4. For the aforesaid reasons, the appeal is devoid of any merit and the same is accordingly dismissed.

CHIEF JUSTICE

JAYANT NATH, J

JANUARY 12, 2016/pmc