

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11887 of 2015

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Ganesh Sahani, Son of Tileshwar Sahani, Resident of Village- Sahatha, P.S. Bhagwanpur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food Supply and Commerce Department, Bihar, Patna.
2. The District Magistrate cum Chairman of Selection Committee, Vaishali at Hajipur.
3. The District Supply Officer cum Secretary, Selection Committee, Vaishali at Hajipur.
4. The Sub Divisional Officer cum Licensing Authority, Vaishali at Hajipur.
5. The Block Supply Officer, Bhagwanpur, Vaishali at Hajipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Respondent/s : Mr. Lalit Kishore, AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 18-09-2017 Inter alia contending that Clause 2.1(iv) of the notification issued by the State Government on 23.06.2011 and Clause 2.4 (f) of the Bihar Fair Price Shop order, by which priority for allotment of Fair Price Shop to the members of the Extremely Backward Class and handicapped persons have been changed, this writ petition has been filed for declaring the provisions ultra vires.

Except for contending that the aforesaid clause have been changed in the interest of several persons, nothing is brought on record as to how and in what manner, the aforesaid policy of



the State Government have been changed.

In our considered view, it is purely an administrative decision and prerogative of the State Government to give benefit to certain classes of persons by aforementioned action and the same cannot be termed ultra vires and in violation of Article 14 of the Constitution of India. We find no reason to interfere in the matter and the writ petition is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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