

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.22910 of 2011**

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Baldev Ram, Son of Late Saguni Ram, Resident of Village- Rupan Patti, P.S.-  
Baligaon, District- Vaishali

.... .... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Food and Consumer Protection Department, Govt.  
Of Bihar, Patna
3. The District Magistrate, Vaishali
4. The District Supply Officer, Vaishali
5. The Sub-Divisional Officer, Mahua, Vaishali
6. The Block Supply Officer, Patepur, Vaishali

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Satyavrat Verma, Advocate

For the Respondents : AC to GA 10

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 16-07-2018**

Heard learned counsel for the petitioner as well as  
learned counsel for the respondents.

2. The present writ petition has been filed for quashing  
the letter No. 1338, dated 09.09.2011 (Annexure-11), issued under the  
signature of the District Supply Officer, Vaishali (Respondent No. 4)  
and memo No. 745, dated 19.09.2011 (Annexure-12) issued by the  
Sub-Divisional Officer, Mahua District-Vaishali (Respondent No. 5).

3. Learned counsel for the petitioner submits that the  
solitary reason for rejection of his application for grant of PDS licence



is that there was a departmental embargo not to grant licence to individuals. It is pointed out that this issue is no longer res integra and has been considered by the Division Bench of this Court by judgment dated 20.12.2013 passed in CWJC No. 15157 of 2011 (*Bihar Pradesh Jan Bitran Pranali Dukandar Sangh through its Chairman Vs. The State of Bihar & Ors.*) and other analogous cases which have been disposed of in the following terms –

*“In our opinion, the very reason for which the individuals are excluded from grant of licence under the 2007 Order is untenable. The assertion that the individual licensees are more susceptible to black-marketing is not supported by any evidence. It is not the case of the State Government that the State Government had carried out a survey in respect of the functioning of the Fair Price Shops. We find the statement irresponsible and highly objectionable. True, all is not well in respect of the Fair Price Shops. Licensees do indulge into black-marketing. But that is true for all the licensees, be them individuals, association of individuals or Co-operative Societies. We see no rationale or any justiciable reason in excluding the individuals from grant of licence.”*

4. Having regard to the nature of the grievance of the petitioner and the judgment of the Division Bench of this Court in *Bihar Pradesh Jan Bitran Pranali Dukandar Sangh through its Chairman*



*Vs. The State of Bihar & Ors. and other analogous cases (supra)*,  
impugned letter No. 1338 dated 09.09.2011 (Annexure-11), and the  
letter contained in memo No. 745 dated 19.09.2011 (Annexure-12) are  
hereby quashed and the matter remanded to the Sub-Divisional  
Officer, Mahua District-Vaishali (Respondent No. 5) to take a fresh  
decision in the matter after granting an opportunity of hearing to the  
petitioner in accordance with law. Supplies to the petitioner shall be  
restored without delay until fresh orders are passed by the  
Respondent No. 5.

5. The writ petition stands disposed of.

**(Vikash Jain, J)**

B.T/Chandran

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