

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9738 of 2015

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Fair Price Dealers Association, Betwan Bazar , Munger, P.S. - Kasim Bazar District
- Munger through its Chairman , Chandra Prakash Prasad, Son of late
Raghunandan Prasad Resident of Shadipur , P.S.- Kotwali, District - Munger.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Food and Consumer Protection Department , Government Of Bihar, Old Secretariat , Patna.
3. The District Magistrate, Munger
4. The Additional Collector, Munger.
5. The District Supply Officer, Munger.
6. The Sub Divisional Officer, Sadar, Munger.
7. The Sub Divisional Officer, Kharagpur, Munger.
8. The Sub Divisional Officer , Tarapur, Munger.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 16359 of 2015

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Md. Aslam, District Secretary, Araria, Fair Price Dealers Association Son of Late
Sarajuddin Resident of Muhalla - Kharaiya Basti, Ward No. 11, P.O. and P.S.
Araria Sadar, District - Araria

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna
2. The District Magistrate, Araria, District Araria
3. The Sub - Divisional officer - Cum - Licensing Authority, Araria, District - Araria

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 6097 of 2015

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Fair Price Dealers Association , through Sanjay Kumar Labh , Sub-Divisional
Secretary , Rosara, son of Shreekant Labh, Resident of Village- Dudhpura, P.O. -
Mangalgarh, P.S. - Hasanpur, District- Samastipur.

.... Petitioner/s



Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer, Protection Department, Old Secretariat, Patna.
2. The District Magistrate , Samastipur, District- Samastipur.
3. The Sub-Divisional Officer- Cum-Licensing authority, Rosara, District- Samastipur.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 9336 of 2015

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Fair Price Dealers Association, through Man Mohan Prasad, District Secretary, Jamui, Son of Late Janardan Prasad, Resident of Village- Kalyanpur, P.O., P.S. and District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Jamui, District- Jamui.
3. The Sub-Divisional Officer-cum- Licensing authority, Jamui, District- Jamui.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 16114 of 2015

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Upendra Kumar Yadav, Sub- Divisional President, Danapur, Fair Price Dealers Association, Son of Late Shiv Shankar Sinha Resident of Muhalla- Saguna, P.O. and P.S.- Danapur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Patna, District- Patna.
3. The Sub-Divisional Officer-cum-Licensing Authority, Danapur, District- Patna.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 3694 of 2016

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Fair Price Dealers Association, Bhabhua Town, Kaimur P.S. - Bhabhua and District - Kaimur (Bhabhua) through its Chairman Ashok Kumar Mishra, Son of Late



Chhina Masta Prasad Mishra, R/o Ward No. 16 Bhabhua, P.S. - Bhabhua, District - Kaimur.

.... Petitioner/s

Versus

- 1. The State of Bihar through the Chief Secretary Government of Bihar, Old Secretariat, Patna.
- 2. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat Patna
- 3. The Additional Collector, Kaimur (bhabhua).
- 4. The Supply Officer, Kaimur (Bhabhua).
- 5. The Sub - Divisional Officer Sadar Bhabhua, Kaimur.
- 6. The Sub - Divisional Officer Mohania, District - Kaimur.

.... Respondent/s

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Appearance :

(In CWJC No.9738 of 2015)

For the Petitioner/s : None

For the Respondent/s : Mr. Abbas Haidar, SC-6

(In CWJC No.16359 of 2015)

For the Petitioner/s : None

For the Respondent/s : Mr. Rakesh Kumar Ranjan, AC to GA-5

(In CWJC No.6097 of 2015)

For the Petitioner/s : None

For the Respondent/s : Mr. Sanjay Parasmani, AC to GP-4

(In CWJC No.9336 of 2015)

For the Petitioner/s : None

For the Respondent/s : Ms. Shalni Raut, AC to SC-17

(In CWJC No.16114 of 2015)

For the Petitioner/s : None

For the Respondent/s : Mr.

(In CWJC No.3694 of 2016)

For the Petitioner/s : None

For the Respondent/s : Mr. Kameshwar Kumar, GP-17

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-10-2018



All these writ petitions have been filed challenging the manner of fresh appointment of P.D.S. dealers against vacancy in the relevant districts in the State of Bihar as being contrary to law.

2. At the very outset it may be noted that this Court has already taken a view in judgment dated 03.04.2018 passed in CWJC No. 10989 of 2017 (Fair Price Dealers Association vs. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna) and analogous cases that the writ petition filed at the instance of the petitioner Association were not maintainable, which were dismissed with the following observations –

“Having heard the parties on the question of maintainability of the writ petitions, this Court is inclined to accept the submissions made on behalf of the intervener respondents. It may be noted that there are conflicting and contrary statements with regard to the status of the writ petitioners in the different writ petitions. The Fair Price Dealers Federation which nominated Sri Rajeev Kumar Choudhary as a member of its National wing, appears to be a completely different entity bearing Registration No. 4081 of 2009 (Patna), from Fair Price Dealers Association, Patna (Registration No. 2525 of 1981) as evident from perusal of its letter



dated 07.05.2017 (Annexure-2 to the rejoinder in I.A. No. 7690 of 2017). The nature of relationship between such Federation and the Fair Price Dealers Association registered at Patna has not been stated. Moreover, letters of authorization in favour of the other persons who have sworn affidavits in the concerned writ petitions have also not been brought on record. It has been claimed by the petitioners that they are branches of the Association registered at Bhikna Pahari, Patna. However, it has also not satisfactorily been shown that each branch of the Association was competent to independently maintain writ petitions of the present nature, through its respective Office Bearer. It has not been shown that the Branch had issued any authorization in favour of the concerned Office Bearer to file the writ petition on its behalf, assuming for the moment that each such Branch had any independent existence.

That apart, no material has also been brought on record to satisfactorily substantiate that the Association continues to remain registered as a functional Association even after 36 years of grant of its registration in 1981, inasmuch as such continuance had been made conditional upon furnishing of requisite annual information.

This Court is of the view that if a person's fair price shop has been notified as vacant for the purpose of fresh selection, it is an individual grievance to be agitated by the aggrieved person rather than by an



Association of questionable status. Only three persons have been named as having been aggrieved out of as many as a total of 196 persons said to comprise the Association. Besides this, none of the objects of the Association specifically authorize filing of writ petitions of the present nature by it. Further, the affected members have not been shown to have given their authorisation to the Association to move this Court on their behalf.”

3. The present writ petition is also dismissed in line with the judgment dated 03.04.2018 passed in CWJC No. 10989 of 2017 (Fair Price Dealers Association vs. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna) and analogous cases.

(Vikash Jain, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01-11-2018
Transmission Date	N/A

