

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD***

WRIT PETITION NO. 6422 OF 2018

Sangita w/o Govindrao Kshirsagar ... Petitioner

Versus

The Hon'ble Minister for State Food,
Civil Supply and Consumer Protection
Department & others ... Respondents

Mr. G.R. Ingole, Advocate for the Petitioner.
Mr. S.B. Pulkundwar, AGP for Respondents 1 to 5.
Mr. A.M. Kulkarni, Advocate for Respondent no. 7.

Coram : N.M. Jamdar, J.

Date : 21 November 2018.

Per Court :

By this petition, the petitioner has challenged the order dated 15 February 2018 passed by the Hon'ble Minister, State Food, Civil Supply and Consumer Protection Department, rejecting the revision challenging allotment of fair price shop in favour of respondent no. 7.

2. An advertisement was issued by the Tahsildar on 27 June

2014 for allotment of fair price shop in 48 villages in Taluka and District Nanded. Pursuant to the advertisement, both petitioner and respondent no. 7 applied, alongwith others. Allotment was made in favour of respondent no. 7 on 2 May 2015. Petitioner filed an application to the Tahsildar challenging allotment, which was rejected. Thereafter, appeal was filed before the Deputy Commissioner, which was also dismissed and, the Minister for State dismissed the revision by the impugned order. It is informed that the allotment was for a specified period till 31 December 2018.

3. Learned counsel for petitioner contends that respondent no. 7 has secured less marks and yet was allotted fair price shop. It is being pointed out by learned counsel for respondent no. 7 that the chart of marks is not final and the authorities have found that even though in the audit report and matter of experience, respondent no.7 had shown better performance, was incorrectly given less marks which has been taken note of by the authorities. As regards membership of respondent no. 7, it is the contention of petitioner that the members of petitioner are also members of respondent no. 7. Respondent no. 7 was found in the year 2005 and petitioner in the year 2013, there was certain overlap. Learned counsel for petitioner sought to raise ground regarding merits respective of petitioner and respondent no. 7

however, the authorities have considered the fact that respondent no. 7 was more meritorious, experienced and had better audit report. This subjective satisfaction cannot be considered perverse so as to warrant interference neither it is possible to exercise an appellate jurisdiction. Writ petition is accordingly dismissed.

N.M. Jamdar, J.