

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13062 OF 2017

Maharshi Walmik Mahila Bachat Gat,
Through its President and others

.. **Petitioners**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri B. R. Waramaa, Advocate for the Petitioners.
Shri A. S. Shinde, A.G.P. for Respondent Nos. 1 to 4.

CORAM : **S. V. GANGAPURWALA &**
A. M. DHAVAL, JJ.

DATE : **6th March, 2018**

PER COURT :

1. Mr. Waramaa, learned advocate submits that all these petitioners were granted Fair Price Shop licences in the respective villages. All the petitioners are Mahila Bachat Gats. The process for selection was started in the year - 2013. The advertisement was issued on 31st October, 2013. Pursuant to the advertisement, the petitioners had applied and upon following the procedure, the petitioners were granted licences to run Fair Price Shops in September – 2017. The said order is stayed under the impugned communication basically on the ground that as per the Government Resolution dated 6th July, 2017, the order of priority has undergone change. The learned

advocate submits that the licences are already issued to the petitioners. The petitioners are Mahila Bachat Gats, which are run by women and are meant for the benefit of women.

2. Mr. Shinde, learned Assistant Government Pleader submits that the licences were issued by the authority in ignorance of the Government Resolution dated 6th July, 2017, and the order of the Apex Court in Writ Petition no. 196 of 2001 dated 10.5.2012. So also, the provisions of the National Food Security Act, 2013.

3. We have considered the submissions.

4. It is not disputed that the process for selection for allotment of Fair Price Shops in the writ place commenced in October – 2013. The petitioners applied pursuant to the advertisement and after going through the selection process they are selected. There was delay in issuing licences which eventually came to be issued in September – 2017. The process had commenced prior to Government Resolution dated 6th July, 2017. Even, Apex Court in Writ Petition no. 196 of 2001 has

observed that, as an interim measure, the State of Maharashtra is permitted to issue licences for Fair Price Shops and Kerosene retail shops to Self Help Groups. They may distribute it through Gram Panchayat, Co-operative Society, Women/Co-operative Society run by women, Ex-Army Co-operative Society, Handicapped, Widows and greater priority would be given to the Widows of Army men.

5. All these petitioners are the Mahila Bachat Gats. Thus, they are women self help groups run and managed by women. The issuance of licences is in consonance with the directives of the Apex Court. As the process has already commenced prior to the Government Resolution dated 6th July, 2017 and the petitioners are already issued licences to run the Fair Price Shops and considering that the petitioners are women and the Fair Price Shops would be managed by the women, the impugned communication is quashed and set aside.

6. The writ petition accordingly stands disposed of. No costs.