

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.6715 of 2018

Date of decision : 19.03.2018

Deviparshon

.....Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Sachin Kaushik, Advocate for the petitioner.

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DAYA CHAUDHARY, J. (Oral)

The petitioner has filed the present petition for consideration of his application which was submitted in pursuance of invitation of application for appointment of fair price shop owner/dealer by respondent No.5.

The petitioner has also prayed for quashing of recommendation/ order passed by respondent No.5, whereby respondent No.3 has recommended the name of respondent No.6 for issuance of licence for fair price shop, whereby licence has been granted to respondent No.6.

Learned counsel for the petitioner submits that there was no recommendation by the Sarpanch of the village, which is mandatory and the petitioner being Graduate, is more meritorious viz-a-viz respondent No.6, but still his case has not been considered.

Heard the arguments of learned counsel for the petitioner and have also perused the documents available on the file.

As far as the arguments of petitioner being graduate is concerned, it is only the preference which is to be given to the candidate who is graduate. Licence has been granted to respondent No.6 who is 12th pass and his name has been recommended by four Panches as well as local MLA. It cannot be said that only the Sarpanch is the authority whose recommendation is mandatory.

As per the provisions of Haryana Public Distribution System (Licensing and Control) Order, 2009, the Licensing Authority called the applications through publicity and by conducting munadi in the local area. The graduate applicant is to be given preference. The order of preference of eligible applicants is as under:

1. Self Help Group or Sakshar Mahila Group;
2. Unemployed female/male graduate;
3. Schedule caste female/male;
4. Backward Class (A) female/male;
5. Ex-serviceman.

The Committee comprising District Food and Supplies Controller, Inspector Food and Supplies and Sarpanch of the village is to consider the applications. It is nowhere mentioned that recommendation of the Sarpanch is necessary, whereas he is only the Member of that Committee which is to consider the claim of the applicants.

On perusal of application submitted by respondent No.6 it is apparent that the local MLA and four Panches of the village have

recommended his case. Members of Panchayat Samiti, Ward No.25, Assandh (Karnal) have also recommended in favour of respondent No.6. Respondent No.6 has already been granted licence of the shop vide order dated 12.02.2018. Other candidates have also participated by submitting their applications but they have not been made party in the present petition. It cannot be said that only the petitioner was more meritorious on the basis of recommendation made by the Sarpanch being graduate. Other factors are also to be taken into consideration.

Accordingly, there is no merit in the present petition and the same is hereby dismissed.

19.03.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No