

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1904 of 2019

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Santosh Kumar Gender – Male, aged about 34 years, Son of Nagina Ray
Resident of Village- Kamaji, P.S. Gaurichak, District Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Collector Cum Chairman, District Selection Committee, Patna, District-Patna. Patna.
3. The Sub- Divisional Officer-Cum- Licensing Authority, Patna Sadar, District-Patna. Patna

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh
For the Respondent/s : Mr.S.Raza Ahmad (AAG5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-02-2019 It appears from Annexure-1 to the Writ Application that under the Chairmanship of the District Magistrate, Patna meeting of the District Level Committee for issuance of fresh license of Public Distribution Shop was held on 13.08.2018. Name of the petitioner has been recommended against roster point no. 943 (Unreserved), but the Selection Committee took a decision to seek guideline of the Department concerned in this matter keeping in mind Rule-11 of the Bihar Targeted P.D.S. (Control) Order, 2016 which provides that more than one member of a joint family shall not be given PDS license. The petitioner has produced documents showing that partition had taken place in his family through court process.

Nothing has been brought to the notice of this court



there is any requirement of law to seek guidelines from the department in such cases.

In the opinion of this court, the District Level Committee under the Chairmanship of the District Magistrate is the competent body to take a decision in the matter, there was no need to send it to the concerned Department and no guidelines is required in this connection. The relevant provision of Bihar Targeted P.D.S. (Control) Order, 2016 reads as under:

“11. disqualifications of getting a fair price shop

license. - (i) No fair price shop license shall be granted to more than one member in a joint family. Father, mother, brother, brother’s wife, husband, wife, son, son’s wife and step brother shall come in the definition of the family.

(ii) A mukhia, a sarpanch, a panch, a ward member, a member of a panchayat samiti, a member of a district board, a Member of Legislative Council, a member of a Parliament, and an elected member of municipal bodies shall not be eligible for allotment of a fair price shop during his tenure as such capacity.

(iii) An owner of a flour mill and his near relatives shall not be allotted a fair price shop.

(iv) A minor or a lunatic or an insolvent shall not be allotted a fair price shop.

(v) A person finally convicted by the court under the Essential Commodities Act, 1955 or in any other criminal case shall not be allotted a fair price shop.

(vi) A person holding a post of profit in the Government shall not be allotted a fair price shop.”



Keeping in mind the aforesaid provision and the materials available on the record, the District Magistrate, Patna is directed to take a decision in terms of the recommendation of the District Level Committee.

Let a decision be taken accordingly within a period of 30 days from the date of receipt/production of a copy of this order. The consequential direction shall also be issued to the Sub-Divisional Officer-cum-Licensing Authority, Patna Sadar, Patna.

This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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