

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.601 of 2018

In
Civil Writ Jurisdiction Case No.20115 of 2013

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Vidyanand Paswan, son of Late Kusheshwar Paswan, Resident of Village Sarai, Police Station - Patori, District - Samastipur

... .. Appellant/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Consumer Protection, Government of Bihar, Patna.
2. The Principal Secretary, Department of Consumer Protection, Government of Bihar, Patna.
3. The Chairman of District Selection Committee cum District Magistrate, Samastipur.
4. The Sub Divisional Officer, Patori, District Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant	:	Ms. Sarita Bajaj, Advocate
For the S t a t e	:	Mr. S.Raza Ahmad, AAG-5
		Mr. Vishwambhar Prasad, A.C. to AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 19-06-2019 Heard learned counsel for the appellant and perused the impugned judgment.

The appellant on his own moved an application for being granted a licence to run a Fair Price Shop under the Public Distribution System.

The Supply Inspector appears to have given a report in his favour. Thereafter the appellant filed a writ petition giving rise to this appeal complained of inaction on the part of the respondents.



The appointment of a licensee is to be made under the provisions of the Control Orders that have been issued from time to time after due advertisements and after applications are called for, which have been processed in accordance with law. There has been no advertisement and even otherwise the appellant has not even applied in accordance with the provisions. Whether any vacancy did exist or not, could have been enquired into had there been any procedure adopted by the respondents for advertising the said Public Distribution System vacancy, for which licence is sought by the appellant.

We do not find any such materials on record and therefore it cannot be presumed that the vacancy exists since 2007.

It is open to the respondents to make such request for grant of licence in the event no licence has been granted so far in accordance with the provisions.

The appeal lacks merits and it is, accordingly, dismissed.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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