

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

**WRIT PETITION NO. 5874 OF 2020**

Akhil Maharashtra Rajya Swast Dhanya Dukandar ... Petitioners  
Va Kerosene Parvanadharak Mahasangh

**VERSUS**

The State of Maharashtra and another ... Respondents

Mr. D. S.Bagul, Advocate h/for Mr. P. D.Bachate, Advocate for the petitioner  
Mr. S. B.Yawalkar, AGP for the Respondents/State

CORAM : RAVINDRA V. GHUGE &  
SHRIKANT D. KULKARNI, JJ.

DATE : 27th August, 2020

**ORDER:**

1. By this petition, the petitioner, who is a Federation of Fair Price Shop Licence Holders, has put-forth prayer clauses 'B' and 'C' as under :

(B) By way of mandamus or any other appropriate writ, order or directions in the like nature, this Hon'ble High Court may kindly direct the respondent authorities to suspend the use of Biometric while operative E-POS Machine during Covid-19 Pandemic situation.

(C) By way of Writ of Mandamus or any other appropriate writ, order or direction in the like nature, this Hon'ble High Court may kindly direct the respondent authorities/ State Government to take expeditious decision on the representations dated 29.06.2020 and 10.08.2020, by which, the petitioner requested the respondent authorities to allow the Fair Price Shop owners to use their own Adhar /thumb while distributing the Food Grains to the Ration Card holders, by suspending the use of Biometric during the COVID-19 pandemic situation.

2. The contention of the petitioner is that the Bio-metric recording of

the distribution of grains to card holders by the Fair Price Shop owners, was suspended by the State of Maharashtra vide Circular dated 17th March 2020. Subsequently, two more Circulars were issued on 2nd July 2020 and 31st July 2020. The E-POS (electronic – point of sale) machine installed with such Fair Price Shops requires the card holder to mark his attendance at the shop, for purchasing the food grains, in Bio-metric form. In view of the Covid-19 pandemic, the decision of the State Government to use the Bio-metric machines in the E-POS process, was suspended.

3. The grievance of the petitioner is that there are no guidelines as to how the record of sale of grains to the card holders is to be maintained since the distribution system involves the E-POS process. Reliance is placed upon the order dated 20.08.2020 passed by the Nagpur Bench in the matter of Ration Dukandar Sangh, Nagpur through its President and another vs. State of Maharashtra and others, LD-VC-CW No. 936 of 2020 wherein the learned Division Bench has disposed off the writ petition and directed the State to continue with the Circulars dated 17.03.2020, 02.07.2020 and 31.07.2020, by which the Bio-metric system was suspended. We find from the order passed at Nagpur that the State Government is directed to take a decision as regards continuance of the use of Bio-metric system in the E-POS process.

4. The learned Advocate for the petitioner submits that most of the card holders are illiterate or semi-literate persons. Obviously, all fall in a particular strata of the society, and are, therefore, granted cards for

purchasing grains through Fair Price Shops. The thumb finger of the card holder has to be properly placed in the Bio-metric machine for enabling proper thumb impression and many a times, the card holders take assistance of the licence holder or his employees for properly placing the thumb in the Bio-metric machine. This increases physical contact between the card holder and the shop keeper and is likely to be a cause for spreading the Corona Virus.

5. In view of the above, by considering the order passed at Nagpur, this petition is disposed off. The suspension of the Bio-metric machines shall continue until the State of Maharashtra takes a final decision / policy decision as regards the use of the Bio-metric system.

**(SHRIKANT D. KULKARNI, J.)**

**(RAVINDRA V. GHUGE, J.)**

JPC