

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3030 of 2021

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Rajiv Kumar, S/o Dukhi Paswan, Resident of Village-Sarki, P.S.- Aghura,
District-Kaimur at Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna
2. The Collector-cum-Chairman, District Level Selection Committee, Kaimur at Bhabhua.
3. The Collector-cum-District-Magistrate, Kaimur at Bhabhua
4. The Sub-Divisional Officer, Bhabhua, District-Kaimur.
5. Arjun Kumar, S/o Dinanath Singh Yadav, Resident of Village- Sarki, P.S.- Aghura, District-Kaimur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dhananjaya Nath Tiwari, Adv
For the Respondent/s	:	Mr. Arvind Ujjwal SC-4
		Mr. U.P. Singh AC to SC-4

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 14-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“That the present writ petition is being filed on behalf of the petitioner for setting aside the part of order dated 09.07.2019 sl. no. xi, passed by the learned District Magistrate, Kaimur at Bhabhua by which the respondent no. 5 (Arjun Kumar) has been illegally selected for the appointment/allotment of PDS shop on the ground that the mother of the petitioner is PDS dealer whereas the petitioner has already separated by the parents in the year 2013 which is evident from the partition document dated 12.03.2013 as well as 10.05.2017 and as such the competent authority may be directed to appoint the petitioner as PDS dealer as earlier in Panchayat Sarki in place of respondent no. 5.”

Application of petitioner for grant of license of PDS shop has been rejected by the District Selection Committee, on the ground that mother of petitioner is having license of a PDS Shop.

Rule 11 of Bihar Targeted PDS (Control) Order, 2016, reads as follows:-

“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, an MLA, a Member of Legislative Council, a member of 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.”

In such view of the matter, this Court does not find any error, in the decision of the District Selection Committee,

rejecting the claim of the petitioner for grant of PDS license.

Accordingly, the writ petition is dismissed.

Interlocutory application, if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.12.2021
Transmission Date	NA