

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

916 WRIT PETITION NO.12729 OF 2021

**RAMESH SUKHLAL CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr.R.B.Temak
AGP for Respondent-State : Mr.P.K.Lakhotiya

...
**CORAM : S.V.GANGAPURWALA &
R.N.LADDHA, JJ.**

DATE : 25.11.2021

P.C. :

1] Learned counsel for the petitioner submits that the petitioner is a disabled person. He is entitled for the rights under the provisions of Right to Disability Act. It is incumbent upon the respondents to give preference for the disabled persons in allotment of fair price shop. The petitioner is residing within the vicinity of Dharangaon. In the advertisement issued, no preference is given to the disabled persons. The same is not in consonance with the public policy so also Statute.

2] Heard learned AGP for the respondent-State.

3] The preference for allotment of the fair price shop in the advertisement has been given in conformity with the Statute. Be that as it may, section 12 (2) (e) of the

National Food Security Act, 2013 [for short 'the Act of 2013'] provides the manner preference is to be given in the Targeted Public Distribution System. The preferences are required to be given to the public institutions or public bodies such as Panchayats, Self Help Groups, Co-operatives, in licensing of fair price shops and management of fair price shops by women or their collectives. The advertisement appears to be in tune with Section 12 (2) (e) of the Act of 2013 and the Government Resolution dated 6th July, 2017.

4] In view of that, the Writ Petition is disposed of.
No costs.

5] In case appropriate challenge is made to the statutory provisions in future, the same is kept open.

[R.N.LADDHA, J.]

[S.V.GANGAPURWALA, J.]

DDC