

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21404 of 2021

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Manorma Devi Wife of Sarv Seva Nand Singh Resident of Village and
P.O.- Akhlaspur, P.S. Bhabua, District- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Kaimur (Bhabua).
3. The Additional Collector, Kaimur (Bhabua).
4. The District Supply Officer, District- Kaimur (Bhabua).
5. The Sub-Divisional Officer, Sub-Division, Bhabua.
6. The Additional District Supply Officer, Bhabua (Kaimur).
7. The Marketing Officer, Bhabua, District- Kaimur.
8. The Block Development Officer, Block- Bhabua, District- Kaimur.
9. Savita Kumari Wife of Ravindra Kumar Resident of Village- Madhana, P.S. Dheena, District- Chandauli (U.P.). At present address- Savita Kumari, Daughter of Rajgrihi Prasad, Resident of Village- Akhlaspur, P.S. Bhabua, District- Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Respondent/s : Mr.Upendra Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

5 06-04-2022

Heard Mr. Ravishankar Sahay, the learned

Advocate for the petitioner and Mr. Upendra Pratap Singh,

the learned counsel for the State.

The petitioner is aggrieved by the license having



been granted to private respondent no. 9, namely, Savita Kumari on the ground that she does not reside at the place for which license has been granted but has been married to another persons in the State of Uttar Pradesh. It has also been submitted that after relationship with her husband went sour, she has remarried. The further ground of grievance is that the father was and two brothers of private respondent no. 9 are in Govt. service and, therefore, the petitioner would be disentitled for being granted P.D.S. license. The aforesaid grounds raised by the by the petitioner was neither appreciated by the Licensing Authority nor taken into consideration by the Appellate Authority.

Hence this writ petition.

It appears from the records that private respondent no. 9 was married in the State of Uttar Pradesh but ever since the relationship got strained, she started living in her father's house. There is no disqualification for grant of license if any member of the Family of the aspirant is in Govt. service. What is proscribed under Rule 11 of the Bihar Targeted Public Distribution System (Control) Order, 2016 is



that not more than one member in the joint family could be given the license and persons holding certain posts like Mukhiya, Sarpanch, Panch, Ward Member, Panchayat Samiti, M.L.A. or Member of Parliament or any elected member of Municipal body would not be eligible for a fair price shop license during the tenure of such capacity. Section 11 of the Control Order does not proscribe the ward of any other Govt. servant to become entitled for grant of license if he or she qualifies to be granted one.

From the facts available on record, it appears that the respondent no. 9 had been residing in her father's house and, therefore, she was considered for being grant of license.

She is a graduate and computer literate as well.

The learned counsel for the petitioner has finally submitted that with the re-marriage of the private respondent no. 9, the authorities ought to have verified whether the private respondent no. 9 is staying in the same place or has gone to any another place because of her marriage.



There is no categorical statement of the petitioner that the private respondent no. 9 does not reside at the place of her shop. All that has been pleaded before this Court is that she manages to run her P.D.S. shop from her matrimonial home, which is not in the locality where the shop is situated.

No such complaint has been made against the aforesaid licensee (private respondent no. 9)

The grievance of the petitioner is thus unfounded. There is no merit in the writ petition.

We find no reason to interfere with the order of the Licensing Authority as also of the Appellate Authority.

The petition stands dismissed.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

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