

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23203 of 2018

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Ram Pravesh Rai son of Late RamNandan Rai resident of Village-
Mahammadpur, P.S. - Paroo, P.O.- Repura Mahadeo, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Sub-Divisional Officer, East Muzaffarpur.
3. The District Supply Officer, Muzaffarpur.
4. The Block Supply Officer, Paroo, District- Muzaffarpur.
5. Sunil Kumar son of Amar Nath Rai, Resident of Village - Bhikhanpura, P.O.
- Mathual, P.S.- Paroo, District - Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kr Singh No.1
For the Respondent/s : Mr. S. Raza Ahmad- AAG5

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 12-10-2022

1. Heard Mr. Ajay Kumar Singh No. 1, learned Advocate
for the petitioner; Mr. Sanjeet Kumar, for the respondent no. 5;
and Mr. Alok Ranjan, for the State.

2. The grievance of the petitioner is that the Private
Respondent No. 5 has been selected as a licensee by the District
Selection Committee even though his mother is an Up-Mukhiya.
He further submits that the disqualification in Rule 11 of the Bihar



Targeted Public Distribution System (Control) Order, 2016 makes such selection of respondent no. 5 bad in the eyes of law.

3. The Rule 11 of the Bihar Targeted Public Distribution System (Control) Order, 2016 is being extracted hereinbelow for the sake of completeness:

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.

4. From a bare reading of Rule 11, it appears that licence may not be granted if anyone of the family members of such candidate is a licensee or that such candidate or his near relatives are owners of flour mills. So far as the Panchayat posts are concerned, the disqualification attaches only when the person concerned himself/herself is holding such post.

5. In view of such nature of disqualification as enumerated under Rule 11 of the Control Order of 2016, the petitioner has not made out any case for interference with the selection of Private Respondent No. 5 as a licensee. The Private Respondent No. 5 is not disqualified for the reason that he does not hold any post as mentioned in Sub-rule (ii) of



Rule 11 and none in his family member is a licensee under the PDS Scheme from before.

- 7. Thus, we find no merit in this petition.
- 8. The petition is dismissed accordingly.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

Skm/ashishkr/-

AFR/NAFR	NAFR
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