

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15791 of 2017

1. Rameshwar Rai, Son of Ram Paras Rai Resident of Village- Rasulpur, P.S. Daraunda, District Siwan.
2. Ratnesh Kumar Yadav Son of Keshav Yadav Resident of Village- Mathia, P.S. Daraunda, District- Siwan.
3. Bahadur Yadav Son of Kapildeo Yadav Resident of Village- Divi, P.S. Daraunda, District- Siwan.
4. Harishankar Singh, Son of Madan Singh Resident of Village- Ujain, P.S. Daraunda, District- Siwan.
5. Jag Lal Rai Son of Banaras Rai Resident of Village- Balbangara, P.S. Daraunda, District- Siwan.
6. Jainarayan Singh Son of late Mangal Singh Resident of Village- Kothua Saranpur, P.S. Daraunda, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Government of Bihar, Pana
2. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The Registrar, Co-Operative Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Saran Division, Chapra, District Chapra.
5. The District Magistrate, Siwan, District Siwan.
6. The District Co-Operative Officer, Siwan, District Siwan.
7. The Sub Divisional Officer (S.D.O.), Maharajganj , District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni,
For the Respondent/s : Mr. S.Raza Ahmad -AAG 5

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 15-07-2025

1. The writ petition is filed for the following reliefs:

“To issue Writ in the nature of mandamus commanding/directing the



respondents to grant new licence for shop of Public Distribution System to the Primary Agriculture Credit Co-operative Societies (in short PACS) in view of government letters dated 16/12/2009 issued under the signature of Secretary, Food and Consumer Protection Department, subsequent letter dated 10/01/2011 issued under the signature of Principal Secretary, Food and Consumer Protection Department letter dated 17/8/2011 issued under the signature of Registrar, Co-operative Department, Government of Bihar. Letter dated 14/02/2012 issued under the signature of Joint Secretary, Food and Consumer Protection Department, Government of Bihar by which all Divisional Commissioners/ all District Magistrates have been directed to issue new licence for the shop of Public Distribution System to the Primary Agriculture Credit Co-



operative Society (PACS).”

2. The case of the petitioners in brief is that petitioner Nos. 1 to 6 are holding the post of Chairman of their respective Primary Agriculture Credit Societies (PACS), situated in different Gram Panchayats within the same administrative Block, i.e., Daraunda, District Siwan. It is submitted that as per a policy guideline issued by the Food and Consumer Protection Department, Government of Bihar, one Public Distribution System (PDS) shop shall be open on the basis of population of 1900 people in a Panchayat. It is further contended that a Panchayat-wise Census population electors of Block Daraunda was made, which showed projected population of the year 2017.

3. It is submitted by the Learned counsel for the petitioners that in this context, several government communications were issued from time to time, regarding grant of PDS licences to PACS on the basis of vacant seat under the Panchayat. The following Letter were issued : (i)



Memo No. 5558 dated 16.12.2009 issued by the Secretary, Food and Consumer Protection Department, Bihar, to all Divisional Commissioners and District Magistrates, (ii) Letter dated 10.01.2011 was issued by the Principal Secretary, Food and Consumer Protection Department, addressed to all District Magistrates with regard to grant licence for the shop of PDS to the PACS, (iii) Letter dated 17.08.2011 issued by the Registrar, Co-operative Societies, Patna Bihar addressed to all District Co-operative Officers regarding issue licence for the shop of PDS in favour of PACS, (iv) Letter dated 14.02.2012 issued by the Joint Secretary, Food and Consumer Protection Department, Bihar, addressed to all District Magistrates, directing issuance of PDS to PACS after PACS Chairman elections.

4. In furtherance of these directions, the District Co-operative Officer, Siwan, vide letter dated 23.01.2016 and 25.01.2016 forwarded application for grant of licence of shop for PDS and forwarded eight applications (in prescribed format



along with necessary documents) to the Sub-Divisional Officer, Maharajganj.

5. It is further submitted that despite the lapse of time, no final decision has been taken by the SDO, Maharajganj. Out of the eight applications, six applications are related to the Block Daraunda, out of 17 Panchayats under Block Daraunda: petitioner No. 1 is claiming to grant license for Rasulpur PACS, Gram Panchayat Rasulpur, petitioner No. 2 for Sherahi PACS, Gram Panchayat Sherahi, petitioner No. 3 for Pandeypur PACS, Gram Panchayat Pandeypur, petitioner No. 4 for Siswan PACS, Gram Panchayat Siswan, petitioner No. 5 for Balbangara PACS, Gram Panchayat Balbangara and petitioner No. 6 for Kothwa Sangrampur PACS, Gram Panchayat Kothwa Sangrampur.

6. It is also submitted by the Learned counsel for the petitioners that out of 17 Panchayats under Daraunda Block, the petitioners' PACS located in Panchayats meet the required population criterion for allotment of PDS shops.



The inaction on the part of the concerned authority has resulted in denial of their legitimate claim. Hence this Writ petition.

7. Respondents Nos. 5 and 7 filed a counter-affidavit stating that the writ petition filed by the petitioners for the grant of new licences for Public Distribution System (PDS) shops to Primary Agriculture Credit Societies (PACS), in view of Government letters dated 16.12.2009, 10.01.2011, 17.08.2011, and 14.02.2012.

8. It is averred in the counter affidavit that it is not disputed that the petitioners' applications were forwarded by the District Co-operative Officer (DCO), Siwan, vide letter No. 433 dated 23.01.2016 to Respondent No. 7, for necessary action. The respondents admit that earlier government circulars favored grant of PDS licences to PACS, Self Help Groups, etc.

9. It is also averred in the counter affidavit that the grant of new PDS licences was kept in abeyance, pursuant to the order dated 06.01.2012 passed in CWJC No. 16192/2011, as intimated by



the Joint Secretary, Food and Consumer Protection Department, Bihar, vide letter No. 5810 dated 11.09.2012. Subsequently, the Department, vide letter No. 1571 dated 28.03.2017, informed that fresh applications for grant of new PDS licences was invited by public advertisement dated 01.01.2017 for Siwan District, following directions of this Court.

10. The Learned counsel for the respondents submitted that the District Selection Committee is the competent authority to consider and decide on the applications for grant of new PDS licences as per the advertisement and in accordance with law. However, due to the stay imposed by this Hon'ble Court on the grant of new licences, as stated above, no decision could be taken on the petitioners' application.

11. The Learned counsel for the respondents further submitted that the Registrar of the Co-operative Societies has no right to recommend or forward the applications of the petitioners for grant of PDS shops.



12. It is further submitted that the petitioners have wrongly invoked the jurisdiction of this Hon'ble Court, accordingly, the relief sought by the petitioners is not tenable and the respondents pray that the writ petition be dismissed.

13. The respondents have placed on record Annexure B, which reveals that the Food and Consumer Protection Department, Patna, vide Letter No. 1571 dated 28.03.2017, has intimated all Divisional Commissioners, District Magistrates, as well as the Sub Divisional Magistrates of Siwan, Sadar, and Maharajganj, that the grant of new PDS licences was permitted by accepting fresh applications in accordance with the provisions of the Bihar Targeted Public Distribution System (Control) Order, 2016.

14. From perusal of Annexure C, it appears that fresh applications were invited through an advertisement dated 01.01.2017 (Annexure C) for the appointment of 192 vacant PDS shops in the District of Siwan.

15. However, from the contents of the writ



petition, it appears that the petitioners have not submitted any proper application before the competent authority under the Bihar Targeted Public Distribution System (Control) Order, 2016 for grant of PDS shops.

16. However, liberty is granted to the petitioners to file a proper application for the grant of PDS license according to the Bihar Targeted Public Distribution System (Control) Order, 2016.

17. In view of the above discussion, this Court finds no merit in writ petition. Accordingly the Writ petition is dismissed as devoid of merits.

18. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.07.2025
Transmission Date	

