



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

26 WRIT PETITION NO. 13280 OF 2019

SARWANGIN VIKAS PRATISTHAN DEGLOOR THOROUGH ITS PRESIDENT
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS

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Advocate for the Petitioner : Mr. Suryawanshi Govind G.

AGP for Respondents: Mr. Pramod D. Patil

Advocate for Respondent no. 5 : Mr. Mandlik Pratap P.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 28.07.2025

PER COURT :

The present writ petition is filed with following prayer:

“B) To quash and set aside the judgment and order dated 04.06.2019 passed by the Ld. State Minister Food and Civil Supply Mantralaya Mumbai in Revision No. 21/2019 thereby the confirmed by the respondent no. 3 D.S.O. Nanded in respect of allotment of the licence to the respondent no. 5.”

2. The petitioner is a registered society and also a registered Trust. On 10.08.2017 District Supply Officer Nanded, issued a proclamation for allotment of fair price shop in Degloor city. The petitioner as well as respondent no. 5 responded to the proclamation and submitted applications for allotment of the fair shop. On 24.05.2018 respondent no. 3 passed an order of allotment of shop in favour of respondent no. 5. The petitioner challenged the aforesaid order by filing Revision Petition No. 71/2018 under the provisions of the Maharashtra Schedule Commodities (Regulation of Distribution) Rules 1975, before the Deputy Commissioner Supply

Aurangabad. The revision was partly allowed directing fresh enquiry, however, the order passed by the Deputy Commissioner Supply Aurangabad, was impugned by respondent no. 5 before the Hon'ble Minister, who allowed the revision application and confirmed the order of allotment of fair price shop in favour of respondent no. 5.

3. Mr. Suryawanshi learned advocate appearing for the petitioner submits that the process of selection was unfair. By inviting attention to allotment of marks against specified columns, he would submit that the corrections are made while granting enhanced marks in favour of respondent no. 5. According to him, respondent no. 5 is registered on 15.07.2015, therefore, respondent no. 5 could not have been considered eligible. Similarly, the allotment of marks on the basis of date of registration and number of lady members is also erroneous.

4. Per contra, Mr. Mandlik learned advocate for respondent no. 5 would submit that when the application was tendered, there were certain deficiencies. However, later on such deficiencies were removed and documents in respect of the claim of respondent no. 5 were tendered. The authority after considering such documents, allotted appropriate marks. Accordingly respondent no. 5 was allotted 14 marks, whereas the petitioner received 12 marks. According to Mr. Mandlik the allotment of shop is in accordance with the procedure.

5. Having considered the submissions advanced, it can be observed that there were two registration certificates of respondent no. 5 on record. The registration certificate, which is considered for the purpose of allotment of the shop bears registration number MAHA 851/2014, which shows that the respondent no. 5 was registered on 31.12.2014.

6. Respondent no. 5 being registered prior to 2015 has been allotted four marks as prescribed. Similarly, Mr. Mandlik points out from record that there are in all seven members of respondent no. 5 out of which four are

ladies. Therefore, when there are more than 50% of lady members, five marks were prescribed and those are allotted. Even Mr. Mandlik points out that an audit of respondent no. 5 was conducted and evidence to that effect was tendered before the authority. Accordingly two marks were allotted for that. Even as contended by Mr. Suryawanshi, the allotment of marks against the column for 'audit' is excessive, the petitioner cannot prove itself better than respondent no. 5. It is informed that respondent no. 5 is running the fair price shop since last seven years, as there was no interim stay to the allotment. In this background, this Court do not find any merit in the writ petition. The writ petition stands rejected.

(S. G. CHAPALGAONKAR, J.)

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