

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6636 of 2025

Fair Price Dealers Association through its General Secretary Dayanand Prasad, aged about 67 years, Gender-Male, S/o Late Mishri Prasad, Resident of Sampatchak, Saidpur Road, P.S. Kadamkuan, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The District Magistrate, Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Vijay Anand, Advocate
For the Respondents	:	Mr. P.K. Shahi, Advocate General

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

6 05-01-2026 The present writ application has been filed in the form
of a Public Interest Litigation (PIL) for the following relief:

“For issuance of a writ, especially a writ in the nature of mandamus commanding the respondent especially Respondent No.2 to consider the issues favourably which was raised through various representation filed by the petitioner before the authority especially Respondent No.2 in the interest of public of the locality as it is a public issue.”

2. A counter affidavit has already been filed on behalf



of Respondent No.2, wherein the following statements have been made in paragraphs 5 & 6:

“5. That in this regard it is stated that earlier the Association of Petitioner also moved this Hon'ble Court vide Writ Application bearing C.W.J.C. No. 19121/2015 and prayed for enhanced commission at least equal to minimum wages, as required for maintenance as they are persons below the poverty line. Vide order dated 18.01.2017 the Hon'ble Court dismissed the said Writ Application with an observation that the licensee of the Public Distribution System are not entitled to commission at par with the minimum wages as they are not the employees of the State government. The Hon'ble Court also observed that they are self employed and if they find that the commission being given to them is inadequate, there is no compulsion for them to continue with dealership.

6. That as far as enhancement of basic Margin Money of Public Distribution System dealers is concerned it is stated that vide Letter No.5069 dated 23.11.2024, Letter Dated 17.03.2025, Memo No. 1194 dated 24.06.2025 the department of deponent requested the Ministry of Consumer Affairs, Food & Public Distribution, Government of India to consider the enhancement of basic Margin Money of Public Distribution System dealers as the Public Distribution System dealers went on strike in the month of Feb 2025 in support of his claims.”



3. Upon perusal of the counter affidavit filed on behalf of Respondent No.2, it is evident that a similar relief had earlier been sought before this Court, which was considered and rejected vide order dated 18.01.2017 passed in CWJC No.19121 of 2015. The relevant portion of the said order as contained in paragraphs 1 to 4 reads as under:

“The petitioner, an association of Fair Price Dealers, has invoked writ jurisdiction of this Court so as to claim enhanced commission, at least equal to minimum wages, as is required for maintenance as they are persons below poverty line.

2. We do not find that the licensees of Public Distribution System are entitled to commission at par with the minimum wages as they are not the employees of the State Government. They are self employed. If they find that the commission being given to them is inadequate, there is no compulsion for them to continue with the dealership.

3. Consequently, we do not find any merit in the present writ application.

4. The present writ petition is accordingly dismissed.”

4. Considering the pleadings advanced on behalf of the petitioner, counter affidavit filed by Respondent No.2, and the order dated 18.01.2017 passed in CWJC No.19121 of 2015,



this Court does not find any reason to pass further orders in the present writ application.

5. Accordingly, the present writ application stands disposed of.

6. Pending application(s), if any, shall stand disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J.)

*Gaurav Kumar,
Ibrar/-*

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