

(2009) 07 PAT CK 0074
In the Patna High Court

Md. Noor Alam

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 21-07-2009

Acts Referred:

Citation : (2010) 1 PLJR 442

Hon'ble Judges : Ajay Kumar Tripathi, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ajay Kumar Tripathi, J.—Heard learned Counsel for the petitioner and learned Counsel for the State.

2. Though the writ application has been filed way back on 16.10.2008 no counter affidavit has been filed on behalf of the respondent State authority.

3. Challenge in the present writ application is to the order dated 9.7.2003 contained in annexure-3 by virtue of which the agreement entered into between the State authority and the petitioner for holding P.D.S. licence has been terminated. Aggrieved by the said order the petitioner is before this Court. The reason for the decision is that the State Government as a policy decision decided to reserve certain shops/licence for the benefit of Scheduled caste and Scheduled Tribes persons and probably to accommodate them this decision had been taken.

4. Issue raised in the present writ application is no longer res integra because other writ applications have come to be heard and decided by this Court. One of the said decisions has been taken note of in the order passed in CWJC No. 9638 of 2008 on 30.4.2009 which was the case of Ashok Kumar and Ors. v. The State of Bihar and Ors..

5. Since identical matters have been decided for the reasons indicated, this writ application is also allowed and annexure-3 dated 9.7.2003 in so far as it relates to the present petitioner stands quashed in view of the adjudication made by this

Court in the case reported in 2007 (Supp.) PLJR 258. A direction is issued that the petitioner shall be entitled to carry on business and to receive supply since he is still holding the valid licence. It is made clear that this order shall not preclude the respondents from passing fresh order in accordance with law if the occasion for the same arises.

6. This writ application is allowed in the above terms.