
(2005) 07 PAT CK 0071
In the Patna High Court
Case No : CWJC No. 9471 of 2004

Mrs. Deepa Devi	Vs	APPELLANT
The State of Bihar and Others		RESPONDENT

Date of Decision : 21-07-2005

Acts Referred:

Citation : (2006) 2 PLJR 510

Hon'ble Judges : Barin Ghosh, J

Bench : Single Bench

Advocate : Surendra Kumar and Shivsagar Sharma, for the Appellant; J.P. Kishore, for the Respondent

Judgement

Barin Ghosh, J.—This matter is covered by two orders passed by this Court. There is no dispute that the petitioner held a licence for running a fair price shop under the public distribution system. His licence has been cancelled on the ground that 24% of fair price shops under the public distribution system should be allotted to the members of the Scheduled Castes & Scheduled Tribes and that in the event the petitioner is permitted to continue to enjoy the licence, the said quota shall not be maintained. The petitioner and one Ashok Kumar Tiwary then approached this Court by filing a writ petition registered as C.W.J.C. No. 9611/2003. In the said writ petition, it was contended that at the block level the said quota has been maintained even after retaining the licences granted in favour of the petitioner and Ashok Kumar Tiwary. It was submitted before the Court that an opportunity of hearing be given to the petitioner and Ashok Kumar Tiwary on their show cause when they would be in a position to demonstrate the fact that the said quota has been maintained. The learned counsel appearing on behalf of the respondents did not object to the said proportion. Accordingly the petitioner was permitted to make a representation for the purpose of establishing that even after retaining the licence of the petitioner, the quota of 24% shall be maintained at the block level. The petitioner made such a representation and at the block level it has been established that the quota have been maintained but

the representation Of the petitioner has been rejected only on the ground that at the panchayat level the quota has not been maintained. Ashok Kumar Tiwary then approached this Court by filing a writ petition registered as C.W.J.C. No. 643 of 2004. This Court while considering the said writ petition looked at the notification and found that in the noti-1 fication it has not been mentioned that the quota must be satisfied at the Mohalla level and panchayat level. The Court thus allowed the said writ petition filed by Ashok Kumar Tiwary and directed the Sub-Divisional Officer, Gopalganj to renew the petitioner's licence for fair price shop.

2. Having regard to the fact that it was not pointed out on behalf of the Sub-Divisional Officer, Gopalganj to this Court when this Court dealt with C.W.J.C. No. 9611/2003 that the quota is required to be maintained at panchayat level and having regard to the fact that the notification does not mention that the quota is required to be maintained at the panchayat level, I have no other option but to follow the judgment rendered by this Court in C.W.J.C. No. 643/2004, and accordingly I allow this writ petition and direct the Sub-Divisional Officer, Gopalganj to renew the licence of the petitioner unless there is any other charge of commission of any violation of the terms and conditions of the licence. This disposes of the writ petition. There shall be no order as to costs.