
(2001) 01 PAT CK 0063
In the Patna High Court
Case No : C.W.J.C. No. 490 of 2001

Rudrakant Jha and Others

APPELLANT

Vs

The State of Bihar and Another

RESPONDENT

Date of Decision : 12-01-2001

Acts Referred:

Citation : (2001) 1 PLJR 792

Hon'ble Judges : S.K. Chattopadhyaya, J

Bench : Single Bench

Judgement

S.K. Chattopadhyaya, J.—Heard Mr. N.K. Agrawal, learned senior counsel for the Petitioners and Mr. B.N. Singh, learned J.C. to S.C.V. and with their consent this application is being disposed of without waiting for any counter affidavit.

2. The only grievance of the Petitioners in this case is that the Sub-divisional Officer, Sadar, Madhubani (Respondent No. 2) misinterpreting the order of the State Government as contained in Annexure-1 has directed to cancel the licence of fair price shop under Public Distribution System.

3. It appears that the State Government on 16.5.2000 issued a letter to all the Sub-divisional Officers inviting their attention to its earlier letter dated 13.4.92 in which it was specifically mentioned that whenever fair price shop would be given under Public Distribution System 24% should be reserved for Scheduled Castes and Scheduled Tribes. When the State Government noticed that this direction of 13.4.92 was not strictly followed, a letter was issued to that effect to all the Sub-divisional Officers. The Sub-divisional Officer (Respondent No. 2) in turn while referring the said letter of the State Government directed to cancel all the three licences of the Petitioners, who were given these licences in general quota after 13.4.92. In paragraph-9 of the petition it has been categorically stated that prior to 13.4.92 in Pandaul Block there were 50 shops running under the Public Distribution System and on 13.4.92, 28 more shops were opened to 28 different persons. Out of this 28, 15 shops were allotted to the persons coming from Scheduled Castes and Scheduled Tribes communities and 13 shops were allotted

to the persons coming other than those communities including three Petitioners.

4. Learned Counsel for the State fairly admits this ratio and submits that 55% shops were allotted to the persons of Scheduled Castes and Scheduled Tribes instead of 24%.

5. It appears that the submissions of the learned Counsel of both the sides are correct because only 13 shops out of 28 shops were allotted to the persons coming from other communities.

6. In such circumstances, learned State counsel submits that probably Respondent No. 2 has misinterpreted the order of the State Government dated 13.4.92 and the same may be clarified.

7. In the facts and circumstances, this writ application is disposed of by quashing the order of Respondent No. 2 as contained in Annexure-3 series. Respondent No. 2 is directed to see not only the letter of the State Government dated 16.5.2000 but also its earlier letter dated 13.4.92. On appreciating the import of these two letters Respondent No. 2 will consider the factual position as stated by the Petitioners in paragraph-9 as stated above. If he finds that actually out of 28 shops 15 shops were allotted to the persons belonging to Scheduled Castes and Scheduled Tribes and only 13 shops were allotted to the persons coming from other categories, he should pass a fresh order according to the direction of the State Government.

8. With the above observations/directions this writ application is disposed of.

9. The Petitioners, if so advised, may serve a copy of this writ application alongwith a certified copy of this order to the Sub-divisional Officer.