
(2008) 04 AHC CK 0235
In the Allahabad High Court

Sanjeev Kumar

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 22-04-2008

Acts Referred:

Citation : (2008) 3 AWC 2624(1) : (2009) 120 FLR 857 : (2009) 1 UPLBEC 580

Hon'ble Judges : Sudhir Agarwal, J;Anjani Kumar, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Anjani Kumar and Sudhir Agarwal, JJ.—Heard learned Counsel for the petitioner.

2. Petitioner claims that he should have been allotted a fair price shop in lieu of his deceased father under the provisions of relevant Government order.

3. We have heard learned Counsel for the parties and perused the relevant Government order. It clearly shows that the normal procedure, which has to be followed by the authorities for allotment of fair price shop, is selection from the eligible persons through a committee to be constituted at Tahsil level consisting of various persons as detailed in para 5 of the said Government order. As an exception, a discretion has been conferred upon the competent authority that after the death of existing fair price shop licensee, if his reputation was good, the competent authority may consider the allotment of shop to the heirs of such deceased licensee. The said Government order, therefore, nowhere provides any preferential right to the heir of a deceased licensee to claim allotment of shop and it is for the authorities to decide. When the competent authority has decided to make allotment by selection from the eligible persons, we do not find any illegality or irregularity therein and the said decision cannot be challenged at the instance of the petitioner on the ground that he has a preferential right of consideration. The writ petition, therefore, lacks merit and is, accordantly, dismissed.