



3. Licensed stamp vendors:

(i) Collectors and any other officer specially empowered by the Board of Revenue in this behalf are authorised to grant licenses in the form appended to private persons for the sale of stamps.

(ii) Licenses may be granted to Postmasters with the consent of the Postmaster-General.

NOTE - In order that the public may be provided with every facility for readily obtaining stamps in outlying localities where, otherwise, stamps might not always be easily available, licenses for the sale of stamps of every description should be granted to any respectable and reasonably substantial person who wishes to sell them either as a special business or as an addition to some other business which he carries on. At district, subdivisional and taluk headquarters and in large towns where vendors are readily found, the number of them should be such as to offer reasonable facilities to the public but it should be limited so as to allow a moderate income from the sale of stamps being derived by each.

(iii) Licenses granted to a stamp vendor may be revoked by the Collector of the district and the authority granting the license for non-observance of the conditions of the license for any reason to be recorded in writing.

4. The Petitioners contention is that the income of the Existing stamp vendors is less than moderate and it would further deteriorate if any further appointment is made.

5. Mr. D.P. Mohapatra, the learned Additional Government Advocate submitted that the appointments of opposite parties 2 to 8 were made in consonance with the provisions of Rule 3 and the same will be duly followed in making future appointments. He, however, argued that the Petitioners cannot claim any legal right on the basis of Rule 3 and that the "Note" appended to the same has no statutory force.

6. In our opinion, no person has a right of carrying on business or vending stamps. That is a privilege of the State Government. The State may vend stamps either directly or through its agents. The grant of licence for vending of stamps is not a right but a privilege.

7. Having heard the learned Counsel for the parties and having gone through the records, we are not inclined to interfere with the appointments already made.

8. We may, however, make it clear that on a fair reading of the Rules it cannot be said that the Collector has uncontrolled discretion and there is no guidance for him in the matter of granting or refusing licences. The power of issuing licences entrusted to him under Rule 3 must be read in conjunction with the Note appended thereto. The Note is a key to the provisions of Rule 3 and explains the heart of the matter with a purpose.

While granting licences the Collector is required to act reasonably keeping in

view the convenience of the public and the interests of the existing stamp vendors. It is, therefore, necessary that the number of stamp vendors at district and sub-divisional headquarters should be limited so as to provide reasonable facility to the public for readily obtaining stamps and also to allow a moderate income from the sale of stamps being derived by each stamp vendor.

9. Subject to the above observations, the writ application stands dismissed, but without any order as to costs.

N.K. Das, J.

10. I agree.