

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

ORDER

S.B.CIVIL WRIT PETITION NO.2114/2007.

Guman Singh Meena.

VERSUS

State of Rajasthan and Others.

30.06.2008.

HON'BLE MR.JUSTICE DALIP SINGH

Mr. Mohammed Aslam on behalf of
 Mr. Rajesh Goswami for the petitioner.
 Mr. R.S. Shekhawat, Deputy Government Advocate.

The respondent No.4 has moved an application for vacation of interim order dated 20.07.2007.

Learned counsel for the parties submit that since the contentions relating to the hearing of the application and the petition are similar and, therefore, the petition itself may be heard as the same has not been admitted so far.

In the writ petition, the petitioner who is a holder of existing license for a fair price shop has made the following prayers:-

"i) the press notification dated 2nd February, 2007 issued by the respondents i.e. respondent District Supply Officer, Karauli (Annexure-5) may kindly be ordered to be quashed and set aside so far as allotment of fair price shop at village Nagala Meena, Tehsil Hindaun, District Karauli is concerned and the respondents may kindly be directed to allot the fair price shop to the humble petitioner for the village Nagala Meena, Tehsil Hindaun, District Karauli."

This court after considering the submissions of the learned counsel for the petitioner issued notices to the respondents and passed following interim order on 20.07.2007:-

"Issue notice to the respondents, returnable within three weeks.

In the meanwhile, respondents are restrained from allotting one fair price shop in village Nagala Meena, Tehsil Hindaun, District Karauli to any other person."

The submissions of the learned counsel for the petitioner is that in pursuance of the press notification calling for the applications for allotment of fair price shop (Annexure-1) the petitioner applied and a meeting was held on 16.11.2006 in which a recommendation was made in favour of the petitioner. The minutes of the meeting are filed as Annexure-4. It is, therefore, contended that on account of the aforesaid recommendation the petitioner could not have been deprived of the allotment of the fair price shop.

Controverting the above, learned counsel appearing on the behalf of the respondent-State has submitted that while it is true that earlier Notice Inviting Applications were issued in November, 2006 and a meeting was held for considering the said application on 16.11.2006 but before a final decision could be taken in the matter the respondents decided to bifurcate the area of the shops and, therefore, issued a fresh press notification calling for the application of the revised areas/fair price

shop (Annexure-5) on 02.02.2007 and in pursuance of the aforesaid selection process the newly added respondent Kamal Ram was selected. It is, therefore, contended that the minutes of meeting held on 16.11.2006 which has been filed as Annexure-4 are inconsequential in view of the subsequent developments calling for the fresh applications vide press notification dated 02.02.2007.

In the facts and circumstances, I am in agreement with the contentions of the learned counsel for the petitioner that the minutes of the meeting held on 16.11.2006 and the recommendation so made in favour of the petitioner is inconsequential in view of the subsequent developments calling for fresh application on 02.02.2007. Since the selection process started on 02.02.2007 one Kamal Ram Meena was found suitable and recommendation in his favour was made by the Committee and accepted by the Government, the petitioner cannot have any grievance and cannot make out a case on the basis of the earlier recommendation dated 16.11.2006 prior to issue of the notification dated 02.02.2007.

In the facts and circumstances, I find no merit in this writ petition and the same is accordingly dismissed. The interim order stands vacated. The application No.13015 dated 02.04.2008 filed by the respondent for vacation of interim order dated 20.07.2007 stands allowed.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.