HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 7919/2023
CNR: RJHC020343822023 | URN: CW / 14952U / 2023

Ashok Kumar Meena Son of Shri Kirodi Lal Meena, Aged About 28 Years, R/o Village Panchayat Kanchroda, Tehsil Sapotara, District Karauli (Raj.)

----Petitioner

Versus

1. State of Rajasthan, Through Principal Secretary, Food and Supply Department, Govt. Secretariat, Jaipur.
2. District Collector, Karauli.
3. District Supply Officer, Karauli.

----Respondents

For Petitioner(s) : Mr. Ravi Kumar Sharma
Mr. Babu Lal Sharma
Mr. V.D. Agnihotri

For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

03/09/2026

1. The present writ petition has been filed by the petitioner assailing the order dated 20.05.2019 passed by the learned District Supply Officer, Karauli (Annexure-1), whereby the licence of the petitioner in respect of the Fair Price Shop came to be cancelled; the order dated 04.09.2019 passed by the learned District Collector, Karauli (Annexure-2), whereby the appeal preferred by the petitioner came to be dismissed; and the order dated 30.12.2020 passed by the learned Additional Food Commissioner, Food and Civil Supply Department, Rajasthan,

Jaipur (Annexure-3), whereby the revision petition preferred by the petitioner was also dismissed.

2. The facts germane to the present writ petition, in brief, are that on 01.01.2019, the Enforcement Inspector inspected the Fair Price Shop of the petitioner and found serious irregularities against the petitioner, including his failure to submit a reply despite repeated notices, failure to maintain/hand over the stock, and failure to distribute ration commodities to consumers. It was hold that the petitioner had violated Conditions Nos. 2, 11 and 18 of the license issued under the provisions of the Rajasthan Foodgrains and Other Essential Articles (Regulation of Distribution) Order, 1976. Consequently, vide order dated 20.05.2019, the learned District Supply Officer, Karauli, while exercising powers under Clauses 8 and 9 of the Order of 1976, forfeited the security amount of Rs.1,000/- deposited by the petitioner and cancelled his license with immediate effect.

3. Aggrieved by the aforesaid order, the petitioner preferred a regular appeal under Section 22 of the Rajasthan Foodgrains and Other Essential Articles (Regulation of Distribution) Order, 1976. The learned Appellate Authority, upon consideration of the material available on record, including the explanation furnished by the petitioner with regard to his alleged ailments, found that no cogent documentary evidence had been produced to substantiate the said explanation. The Appellate Authority also took into consideration the serious and grossly negligent conduct of the petitioner and accordingly, dismissed the appeal of the petitioner vide order dated 04.09.2019.

4. Still aggrieved, the petitioner preferred a revision petition under Section 22A of the Rajasthan Foodgrains and Other Essential Articles (Regulation of Distribution) Order, 1976. The Revisional Authority, upon examining the matter and the findings recorded by the authorities below, found no ground warranting interference and accordingly dismissed the revision petition vide order dated 30.12.2020. Hence, the present writ petition.

5. Learned counsel for the petitioner submits that the authorities below have failed to appreciate the facts and circumstances of the case in their proper perspective. He further submits that the cancellation of the petitioner's license was motivated by political pressure and that the alleged irregularities were not committed by the petitioner deliberately. Learned counsel further submits that the explanation furnished by the petitioner, including the circumstances relating to his ailment, has not been considered in its proper perspective. He therefore submits that the impugned orders suffer from legal infirmity and warrant interference by this Court in exercise of its writ jurisdiction.

6. Heard learned counsel for the petitioner and perused the material available on record.

7. From a perusal of the record, it is evident that the proceedings against the petitioner arose from the inspection conducted by the Enforcement Inspector on 01.01.2019, during which various irregularities were noticed and violation of Conditions Nos. 2, 11 and 18 of the license was found. Thereafter, the learned District Supply Officer, Karauli, cancelled the petitioner's license vide order dated 20.05.2019.

8. The said order was assailed by the petitioner before the learned Appellate Authority by way of a regular appeal and, after due appreciation of the material available on record, learned Appellate Authority dismissed the appeal and affirmed the order dated 20.05.2019. The learned Appellate Authority also considered the plea raised by the petitioner relating to his alleged ailment, and found that the same was not supported by any cogent or reliable documentary evidence.

9. The petitioner thereafter invoked the revisional jurisdiction under Section 22A of the Order of 1976. The Revisional Authority also examined the matter in detail and, finding no error or illegality in the order passed by the Appellate Authority, affirmed the concurrent findings recorded against the petitioner and dismissed the revision petition.

10. Thus, the material on record clearly demonstrates that the cancellation of the petitioner's license was not based upon any extraneous or irrelevant consideration but was preceded by an inspection during which specific violations of the conditions of the license were found. The petitioner has failed to demonstrate that the findings recorded by the authorities are based on no evidence or that any material evidence has been ignored or misread.

11. So far as the contention of the learned counsel for the petitioner that the cancellation of license of the petitioner was occasioned by political pressure is concerned, the said allegation has remained wholly unsubstantiated. No material has been placed on record to establish any political interference or extraneous consideration on the part of the competent authority. A bald and unsubstantiated allegation of political pressure, in the

absence of any supporting material, cannot furnish a ground for interference with otherwise reasoned orders passed by the competent authorities.

12. Moreover, the plea raised by the petitioner with regard to his alleged ailment has also been duly considered by the Appellate Authority. However, the petitioner has failed to place on record any cogent documentary material to establish that the said ailment prevented him from complying with the conditions governing the operation of the Fair Price Shop. The said plea, therefore, does not, by itself, oust the findings recorded by the learned Appellate Authority.

13. It is well settled that, while exercising jurisdiction under Article 226 of the Constitution of India, this Court does not sit as an appellate authority over the findings of fact recorded by the competent statutory authorities. Interference is warranted where such findings are shown to be perverse, based on no evidence, vitiated by consideration of irrelevant material, or where the decision-making process suffers from a patent error of law or violation of the principles of natural justice.

14. In view of the foregoing discussion, this Court is of the considered opinion that the findings recorded by the competent authority, as affirmed by the Appellate and Revisional Authorities, are based upon the material available on record and do not suffer from perversity, arbitrariness or any jurisdictional error. The petitioner has failed to establish any violation of the principles of natural justice or any manifest illegality warranting interference by this Court in exercise of its extraordinary writ jurisdiction.

15. Consequently, this Court finds no reason to interfere with the orders dated 20.05.2019, 04.09.2019 and 30.12.2020 passed by the competent authorities.

16. Accordingly, the present writ petition, being devoid of merit, is hereby dismissed.

17. As a necessary corollary, all pending applications, if any, shall stand disposed of.

(MANEESH SHARMA),J

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