

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR****(1) S.B. Civil Writ Petition No. 13163/2025**

Mohammad Salim S/o Kamrudeen, Aged About 48 Years,
Resident Of Near Jamal Masjid, Dada Mohalla, Nagaur, District
Nagaur (Rajasthan).

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Food And Civil Supplies Department, Government Of Rajasthan, Secretariat, Jaipur.
2. Deputy Commissioner And Deputy Secretary To The Government, Food And Civil Supplies Department, Government Of Rajasthan, Secretariat, Jaipur.
3. District Collector (Supply), Nagaur.
4. District Supply Officer, Nagaur.

----Respondents

Connected With**(2) S.B. Civil Writ Petition No. 13181/2025**

Jakir Hussain S/o Shabir Khan, Aged About 43 Years, Resident Of
Pathanon Ka Mohalla, Nagaur, District Nagaur (Rajasthan).

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Food And Civil Supplies Department, Government Of Rajasthan, Secretariat, Jaipur.
2. Deputy Commissioner And Deputy Secretary To The Government, Food And Civil Supplies Department, Government Of Rajasthan, Secretariat, Jaipur.
3. District Collector (Supply), Nagaur.
4. District Supply Officer, Nagaur.

----Respondents

(3) S.B. Civil Writ Petition No. 13237/2025

Devkaran S/o Hansraj, Aged About 44 Years, R/o Village Somna,
Tahsil Deh District Nagaur (Raj.).

----Petitioner

Versus





1. The State Of Rajasthan, Through Additional Commissioner Cum Deputy Secretary- Food, Civil Supplies And Consumer Affairs Department, Rajasthan.
2. The District Collector (Rasad), Nagaur (Raj.).
3. The District Supply Officer, Nagaur District Nagaur.

-----Respondents

(4) S.B. Civil Writ Petition No. 13525/2025

Ramratan S/o Shri Madanlal, Aged About 56 Years, Resident Of Ward No- 05, Bhakharwali, 10 Kwd, Tehsil- Rawatsar, District- Hanumangarh.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Food And Civil Supplies And Consumer Affairs Department, Govt. Of Rajasthan, Secretariat, Jaipur.
2. The District Collector (Supply), Hanumangarh.
3. The District Supplies Officer, Hanumangarh.

-----Respondents

(5) S.B. Civil Writ Petition No. 13598/2025

Manohar Lal S/o Shri Budh Ram, Aged About 68 Years, Resident Of 7 Dd, Tehsil Gharsana, District- Sri Ganganagar (Rajasthan).

-----Petitioner

Versus

1. The State Of Rajasthan, Through Chief Secretary, Food, Civil Supply And Consumer Matter Department, Government Of Rajasthan, Jaipur (Rajasthan).
2. The Food Commissioner, Rajasthan, Jaipur.
3. The District Collector, Sriganganagar (Rajasthan).
4. The District Supply Officer (Rasad), District- Sriganganagar (Rajasthan).

-----Respondents

(6) S.B. Civil Writ Petition No. 13610/2025

Ajeet Pal S/o Devi Lal, Aged About 51 Years, 24 Asc, Gurdyal Colony, New Mandi Gharsana, Tehsil Gharsana, District Sri Ganganagar (Rajasthan).

-----Petitioner

Versus





1. The State Of Rajasthan, Through Chief Secretary, Food, Civil Supply And Consumer Matter Department, Government Of Rajasthan, Jaipur (Rajasthan).
2. The Food Commissioner, Rajasthan, Jaipur.
3. The District Collector, Sriganganagar (Rajasthan).
4. The District Supply Officer (Rasad), District Sriganganagar (Rajasthan).

-----Respondents

(7) S.B. Civil Writ Petition No. 13759/2025

M/s Roshan Lal Middha Oil Corporation, Gharsana Through Its Pro. Roshan Lal Middha S/o Shri Sobh Raj, Aged About 65 Years, Resident Of 3 Str, Tehsil Gharsana, District-Sri Ganganagar (Rajasthan).

-----Petitioner

Versus

1. The State Of Rajasthan, Through Chief Secretary, Food, Civil Supply And Consumer Matter Department, Government Of Rajasthan, Jaipur (Rajasthan).
2. The Food Commissioner, Rajasthan, Jaipur.
3. The District Collector, Sriganganagar (Rajasthan).
4. The District Supply Officer (Rasad), District-Sriganganagar (Rajasthan).

-----Respondents

(8) S.B. Civil Writ Petition No. 13785/2025

Krishan Lal S/o Shri Devi Lal, Aged About 50 Years, Resident Of Vill. Bilochiya, Tehsil Sri Vijaynagar, District Sri Ganganagar (Rajasthan).

-----Petitioner

Versus

1. The State Of Rajasthan, Through Chief Secretary, Food, Civil Supply And Consumer Matter Department, Government Of Rajasthan, Jaipur (Rajasthan).
2. The Food Commissioner, Rajasthan, Jaipur.
3. The District Collector, Sriganganagar (Rajasthan).
4. The District Supply Officer (Rasad), District-Sriganganagar (Rajasthan).

-----Respondents





(9) S.B. Civil Writ Petition No. 13954/2025

Vinod Kumar S/o Shri Moti Ram, Aged About 58 Years, Resident Of H.no. 117-B , Ward No. 2, Purani Aabadi, Sri Ganganagar (Rajasthan).

----Petitioner

Versus

1. The State Of Rajasthan, Through Chief Secretary, Food, Civil Supply And Consumer Matter Department, Government Of Rajasthan, Jaipur (Rajasthan).
2. The Food Commissioner, Rajasthan, Jaipur.
3. The District Collector (Rasad), Sriganganagar (Rajasthan).
4. The District Supply Officer, District Sriganganagar (Rajasthan).

----Respondents

(10) S.B. Civil Writ Petition No. 15924/2025

Shera Ram S/o Pokra Ram Prajapat, Aged About 40 Years, R/o Chado Ki Dhani, Tehsil Sindhari, District Balotra.

----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary Food And Civil Supplies Department, Government Of Rajasthan, Secretariat, Jaipur
2. The Food Commissioner, Rajasthan, Jaipur.
3. The District Collector, Balotra.
4. District Supply Officer, Food And Civil Supplies Officer, Balotra.

----Respondents

(11) S.B. Civil Writ Petition No. 15929/2025

Mangi Lal S/o Laxmi Narayan Maheshwari, Aged About 42 Years, Devriya, Tehsil Kalyanpur, District Balotra.

----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary Food And Civil Supplies Department, Government Of Rajasthan, Secretariat, Jaipur
2. The Food Commissioner, Rajasthan, Jaipur.
3. The District Collector, Balotra.





4. District Supply Officer, Food And Civil Supplies Officer,
Balotra.

----Respondents

(12) S.B. Civil Writ Petition No. 15962/2025

Likhma Ram S/o Shri Chimna Ram, Aged About 54 Years, R/
o Sheshma Ka Bas, Prempura, Tehsil Kuchaman City,
District Didwana- Kuchaman, (Rajasthan).

----Petitioner

Versus

1. State Of Rajasthan, Through The District Collector
Didwana- Kuchaman, Dist. Didwana- Kuchaman,
Rajasthan.
2. The District Supply Officer, Didwana- Kuchaman,
Rajasthan.

----Respondents

(13) S.B. Civil Writ Petition No. 13470/2025

Renubala W/o Naveen Kumar, Aged About 46 Years, R/o Village
Amarpura Rathan, Tehsil Pilibanga District Hanumangarh At
Present Residing At Pilibanga, Tehsil Pilibanga, District
Hanumangarh (Raj.).

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Secretary, Food
And Civil Supplies Department, Government Secretariat,
Rajasthan, Jaipur.
2. The District Collector, Hanumangarh.
3. The District Supply Officer, Hanumangarh.
4. The Manager, Food And Civil Supplies Corporation
Limited, District Hanumangarh.

----Respondents

(14) S.B. Civil Writ Petition No. 13520/2025

Sushila Kumari W/o Shushil Kumar, Aged About 32 Years,
Village 3, 99 Rd, Tehsil Rawatsar District Hanumangarh
(Raj.).

----Petitioner

Versus





1. The State Of Rajasthan, Through Its Secretary, Food And Civil Supplies Department, Government Secretariat, Rajasthan, Jaipur.
2. The District Collector, Hanumangarh.
3. The District Supply Officer, Hanumangarh.
4. The Manager, Food And Civil Supplies Corporation Limited, District Hanumangarh.

----Respondents

(15) S.B. Civil Writ Petition No. 13950/2025

M/s Bhagirath Oil Store Rawla, Through Its Proprietor Balwant Singh S/o Shri Ram Swaroop, Aged About 48 Years, Resident Of Rawla, Tehsil Gharsana, Sri Ganganagar (Rajasthan).

----Petitioner

Versus

1. The State Of Rajasthan, Through Chief Secretary, Food, Civil Supply And Consumer Matter Department, Government Of Rajasthan, Jaipur (Rajasthan).
2. The Food Commissioner, Rajasthan, Jaipur.
3. The District Collector, (Rasad), Sriganganagar (Rajasthan).
4. The District Supply Officer, District- Sriganganagar (Rajasthan).

----Respondents

(16) S.B. Civil Writ Petition No. 14829/2025

Omprakash S/o Sukhram, Aged About 49 Years, R/o Village Jakheranwali, Tehsil Pilibanga, District Hanumangarh (Raj.).

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Secretary, Food And Civil Supplies Department, Government Secretariat, Rajasthan, Jaipur.
2. The District Collector, Hanumangarh.
3. The District Supply Officer, Hanumangarh.
4. The Manager, Food And Civil Supplies Corporation Limited, District Hanumangarh.

----Respondents





(17) S.B. Civil Writ Petition No. 15468/2025

Ramesh Chand S/o Shri Girdhari Ram, Aged About 51 Years,
R/o Mandal Jodha, Tehsil Degana, District Nagaur
(Rajasthan).

----Petitioner

Versus

1. State Of Rajasthan, Through The District Collector (Supply), Nagaur, Dist. Nagaur, Rajasthan.
2. The District Supply Officer, Nagaur, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Nimba Ram Choudhary Mr. Mohan Ram Choudhary Mr. R.C. Joshi Mr. Hans Raj Mr. Manjeet Mr. Vikram Singh Jaitawat Mr. Manoj Kumar
For Respondent(s)	:	Mr. Sameer Shrimali Mr. Nitesh Mathur

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

Reportable

Reserved on : **22/08/2025**

Pronounced on : **12/09/2025**

1. Since common questions of facts and law are involved in the present writ petitions, therefore, the same are being decided by this Court by this common order.

2. The brief facts, as stated in S.B. Civil Writ Petition No.13163/2025, are that an advertisement was issued in the year 2000 for allotment of a fair price shop at Ward No.27, Dada Mohalla, Ginani Talab, Nagaur City, which, after delimitation, came to be re-designated as Ward No.28 and subsequently as Ward No.34.





2.1 Pursuant to the said advertisement, the petitioner applied and was allotted the fair price shop in the year 2000, and since then, he has been operating the same at the aforesaid location. At present, the petitioner caters to about 500 ration card holders enrolled under the National Food Security Act, 2013 (hereinafter referred to as 'the Act of 2013').

2.2 The case of the petitioner in the present writ petition is that the respondents have issued an advertisement dated 25.06.2025 proposing establishment of new fair price shops on the recommendations of the local M.L.A. and Minister, which includes a shop at Ward No.34, Dada Mohalla, Ginani Talab, Nagaur City, the very location already allotted to the petitioner in the year 2000.

2.3 The petitioner is aggrieved on the ground that the proposed fair price shop in Ward No.34 would encroach upon and overlap with the area of operation where he is presently running his fair price shop. One additional submission is made by the counsel in this particular writ petition that recommendation for new fair price shop was for Ward No.8, whereas respondents have proposed new fair price shop in Ward No.34.

2.4 In other connected writ petitions, a similar grievance has been raised by the petitioners, contending that being existing license holders of fair price shops, the respondents are arbitrarily proposing to establish new shops in areas already covered by their operations.

3. Learned counsels for the petitioners made the following submissions:-

(i) The action of the respondents in proposing new fair price shops through the impugned advertisement is contrary to the guidelines issued by the State Government, particularly those





communicated on 07.04.2010, 17.03.2016, 22.10.2019 and 26.12.2019. These guidelines are mandatory in nature and specifically prohibit establishment of a new fair price shop in an area where the number of ration-card holders attached to an existing shop is 500 or less. Therefore, respondent authorities being bound by the said guidelines could not have arbitrarily issued the advertisement in question proposing to establish new fair price shops.

(ii) Before deciding establishment of new fair price shops, the respondents have neither prepared any report nor conducted any study to substantiate the need of new fair price shops. Despite the guidelines of the State Government, even if the power of relaxation is assumed to exist, a proper assessment in respect of each shop is essential to determine whether opening a new shop would serve larger public interest or whether geographical considerations necessitate relaxation of prescribed norms in the aforementioned guidelines.

(iii) The Report of Justice Wadhwa Committee suggests that the minimum consumers must be ensured so that the holder of fair price shops gets reasonable commission, else he would indulge in mal-practices. Therefore, the State should ensure minimum 500 ration-card holders. However, by issuing the notifications in question, the State Government is proceeding de-hors the aforesaid report.

(iv) Consumers currently allotted to the fair price shops operated by the petitioners are beneficiaries duly selected under the National Food Security Act, 2013.

(v) The establishment/allotment of new fair price shops in areas where petitioners are running their respective shops without any





complaint or default, would not only adversely affect their business but would also violate their fundamental right enshrined under Article 19(1)(g) of the Constitution of India.

(vi) The entire exercise of proposing new fair price shops has been undertaken at the behest of the local M.L.A./Minister and is, therefore, politically motivated.

(vii) The action of the State authorities is discriminatory inasmuch as in certain areas, despite the number of consumers exceeding 1000, no new fair price shop has been proposed.

(viii) All consumers attached to each fair price shop are duly uploaded on the website of the respondent-department, hence it cannot be contended that consumers are at liberty to avail ration from any fair price shop of their choice.

(ix) The issue raised in the present writ petitions is no longer res integra. A Coordinate Bench of this Court (Jaipur Bench) in **Babushyam & Ramphool v. State of Rajasthan & Ors. [S.B. Civil Writ Petition No.4384/2012, decided on 18.09.2012]**, has already settled the matter. The same view was reiterated in **Siyaram Meena v. State of Rajasthan & Ors. [S.B. Civil Writ Petition No.11913/2012, decided on 10.12.2012]**. Recently, similar views were taken by this Court at its Principal Seat in **Shankarlal & Ors. v. State of Rajasthan & Ors. [S.B. Civil Writ Petition No.206/2023, decided on 01.02.2023]** and in **Shri Hardu v. State of Rajasthan & Ors. [S.B. Civil Writ Petition No.2237/2023, decided on 16.02.2023]**.

3.1 In light of the above submissions and in view of the judgments cited, learned counsels for the petitioners submit that the impugned advertisements proposing establishment/allotment of new fair price shops, which directly overlap the areas already





being served by the petitioners, are illegal and deserve to be quashed and set aside.

4. Per contra, learned counsels appearing for the respondents, made the following submissions:-

(i) It is a policy matter of the State Government to determine the number of fair price shops required in any given area, and the petitioners have no vested right to challenge such a policy decision.

(ii) In the present case, no legal right of the petitioners stands violated or is likely to be infringed merely by allotment of new fair price shops.

(iii) The petitioners have failed to establish which of their legal or fundamental rights, if any, have been violated on account of the impugned advertisements.

(iv) The petitioners have no valid cause of action to maintain these writ petitions. The allotment of fair price shops is the prerogative of the State, and the petitioners cannot claim monopoly over a particular area. It is solely for the State Government to assess and decide the number of shops necessary to cater to consumers in a given locality.

(v) The petitioners have placed reliance on earlier circulars, whereas the State Government has subsequently issued a circular dated 10.05.2025. As per the said circular, while earlier norms required allotment of a new shop only when an existing shop had more than 500 ration-cards or 2000 NFSA unit holders, a relaxation has now been provided keeping in view geographical conditions and larger public interest. Thus, the earlier stipulations are no longer absolute, and the State is empowered to relax the norms wherever necessary.





(vi) The decision to establish new fair price shops is not based merely on the recommendations of any M.L.A. or Minister. While public representatives are entitled to highlight the need for such shops, the ultimate decision rests on consideration of larger public interest, and cannot be said to be politically motivated.

(vii) The issue sought to be raised in these writ petitions already stands settled. The petitioners have sought to rely on a judgment rendered in 2012 to obtain interim relief, whereas in subsequent decisions, it has been categorically held that existing fair price shop licensees have no right to question the policy decision of the State Government to open new shops in the same area of operation.

(viii) In support of the contention aforesaid, reliance is placed on the judgment of a Coordinate Bench (Jaipur Bench) in a batch of writ petitions led by **Neeraj Sharma & Anr. v. State of Rajasthan & Ors. [S.B. Civil Writ Petition No.9137/2016, decided on 06.02.2017]**. In that case, while considering and distinguishing the earlier judgments relied upon by the petitioners therein, the Court held that licensees cannot claim monopoly over their area of operation. The requirement of having 500 ration-cards was found to be a matter of executive guidelines, which neither conferred any legally enforceable right nor restricted the power of the Government to frame policy. The Court further observed that such guidelines are executive instructions only, and courts cannot interfere in policy formulation regarding the number of cardholders to be attached to a fair price shop. In doing so, the Court also considered the renditions made in the earlier decisions in **Babushyam (supra), Jitendra Singh & Ors. Vs. The State of Rajasthan & Ors. [S.B. Civil Writ Petition No. 5101/2015,**





decided on 30.04.2015], and Bhawani Singh Gurjar & Others v. State of Rajasthan and Ors. [S.B. Civil Writ Petition No. 5460/2015, decided on 23.04.2015]. Similarly, a Coordinate Bench (Jaipur Bench) in the case of **Hukum Singh Gurjar & Anr. v. State of Rajasthan & Ors. [S.B. Civil Writ Petition No.13779/2016, decided on 06.03.2017]** disposed of the writ petitions in the same terms.

Further, in **Rajendra Singh v. State of Rajasthan & Ors. [S.B. Civil Writ Petition No.6390/2021, decided on 06.09.2021]**, a Coordinate Bench held that existing fair price shop licensees cannot claim any right to exclusively run a shop in a given area, reiterating that it is for the State Government alone to decide the number of shops required in a particular Gram Panchayat.

The judgment rendered in the case of **Neeraj Sharma** (supra) is based upon the Division Bench judgment of this Court (Jaipur Bench) in the case of **Hari Om Meena & Anr. v. State of Rajasthan & Ors. [D.B. Civil Special Appeal (W) No.400/2015, decided on 28.07.2015]**, wherein it was categorically held that neither the Report of the Justice Wadhwa Committee is binding upon the State nor the guidelines requiring a minimum of 500 ration-card holders to be attached to a fair price shop are mandatory in nature. It was further held that such guidelines are not binding, and it is the sole prerogative of the State to determine the number of fair price shops required in a given area.

4.1 In light of the above submissions and the judgments relied upon, learned counsel for the respondents argued that the petitioners have secured interim relief by misleading the Court





without disclosing the correct legal position. Accordingly, the writ petitions are liable to be dismissed.

5. Heard learned counsel for the parties and perused the material available on record.

6. Before going into the merits of the present writ petitions, it would be appropriate to first discuss the earlier litigation, which arose before this Court on the issue, which is raised in the present bunch of petitions. As per the judgments cited by respective parties, it appears that the judgment rendered in the case of **Babushyam** (supra), the Court directed the respondent-authorities to abide by Circular dated 22.01.2010 so also the Report of Justice Wadhwa Committee.

6.1 Based on the said judgment, another writ petition in the matter of **Siyaram Meena** (supra) was also decided in the same terms.

6.2 Based on the above two decisions, the order dated 01.02.2023 was passed by a Co-ordinate Bench of this Court in **Shankarlal** (supra) while deciding the writ petition. It is to be noted that though the said order was passed in the presence of the learned counsel for the respondents, however, it appears that the counsel appearing for the respondents did not point out about the other judgments, which came to be delivered after the decision rendered in the case of **Siiyaram Meena** (supra).

6.3 Similarly, another writ petition in the case of **Shri Hardu** (supra) came to be decided on 16.02.2023, relying on the earlier decision rendered in the case of **Shankarlal** (supra).

7. In the year 2015, the respondents proposed to allot new fair price sops in some of the areas where there were already existing fair price shop holders. Such action was challenged in one of the





writ petitions being S.B. Civil Writ Petition No.6121/2015, titled **Kailash Chandra & Ors. Vs. State & Ors.**, and the said writ petition came to be dismissed by the Coordinate Bench vide order dated 11.05.2015 while holding that the petitioners have no right to question the decision of the State Government for allotment of new fair price shops.

7.1 The decision rendered in the case of **Kailash Chandra** (supra), was affirmed by the Division Bench of this Court in the case of **Hari Om Meena** (supra) which came to be decided on 28.07.2015. It is to be noted that the Division Bench has considered the arguments based on the Report of Justice Wadhwa Committee, so also the earlier decisions, however, the Division Bench ordered that the petitioners have no right to claim mandate of minimum 500 ration cards as neither guidelines nor the said Report of Justice Wadhwa Committee are having binding force and it is the policy decision of the State Government to determine the need of fair price shops in a particular area. For ready reference, the observations made by the Division Bench in the case of **Hari Om Meena** (supra) are reproduced as under:-

“4. We find that the petitioners had not acquired any cause of action to file the writ petitions, inasmuch as the advertisement inviting offers for allotment of fair price shops, were neither finalized, nor any order was passed, by which the number of ration cards or the units attached to them were reduced. In the letter of the Deputy Commissioner/Deputy Secretary, Food, Supply and Consumer Affairs Department, Government of Rajasthan, dated 07.04.2010, there was a direction to carry out survey, on which new fair price shops may be established, where it is found that number of ration cards are less than 500. It was directed that the advertisement should be made so that number of cards attached to a fair price shop do not fall below 500 ration cards, or 2000 units. The direction to carry out survey for allotment of new fair price shops, in which there should be at least 500 ration cards attached to a fair price shop, did not in any way, violate the petitioners' rights, inasmuch as the object of the public distribution scheme, is to





ensure fair and equitable distribution of the scheduled commodities.

5. It is apparent that the petitioners, apprehending that with the opening of new fair price shops, the ration cards attached to their shops may be reduced, rushed to the Court for obtaining relief, for which they did not acquire any cause of action.

...

8. The reasons given by learned Single Judge, dismissing the writ petitions on the ground that the petitioners do not have either contractual, or any legal right, to insist upon opening up of fair price shops with at least 500 ration cards, and resultantly not to reduce the number of ration cards attached to the petitioners shops, do not suffer from any legal error. Learned Single Judge has dismissed the writ petitions on the ground that the petitioners do not have any vested right to insist upon at least 500 ration cards attached to their shops.

9. We may also observe that there may be various situations, in which looking to the geographical conditions and the exigency of distribution, the number of ration cards attached to a fair price shop, may either exceed or be reduced below 500, and in such case the authorized dealer would have no legal right to challenge the action.

10. In the present case, almost all the petitioners have more than 500 ration cards, attached to their shops, and thus, there was no threat to the viability of their business. It is apparent that the writ petitions, giving rise to these Special Appeals, were based only on the apprehension. There was no legal injury suffered by them to maintain the writ petitions.”

8. Later, the same issue was again raised in the **Neeraj Sharma** (supra) and other connected matters, wherein the Coordinate Bench (Jaipur Bench) disposed of the writ petition on 06.02.2017, majorly based on the decision rendered by the Division Bench. The writ petitions were disposed of as the Court was not inclined to interfere in view of the observations made by the Division Bench, however, while disposing of the writ petitions it was observed that in future if the State intends to notify fresh applications, it shall keep in view the Report of the Justice Wadhwa Committee, so also the recommendations with regard to having 500 ration cards attached to a particular fair price shop.

However, even while making such observations, the Division





Bench observed that petitioners therein had no legal or vested right to insist upon having particular number of ration cards. It was observed as under:-

“The petitioners have relied upon the judgment rendered by Co-ordinate Bench of this Court in Babushyam & Ramphool Gurjar(supra) wherein, learned Single Judge disposed off the writ petition with direction that the number of ration cards attached to Fair Price Shops of the petitioners therein be maintained and prior to allotment of new Fair Price Shops to Women Cooperative Societies, the number of 500 ration cards in respect of each Fair Price Shop be ensured as per the government’s own policy and the Justice Wadhwa Committee report. When the aforesaid judgment was cited before this Court on 30.04.2015 in Jitendra Singh & Others(supra), this Court even though observed that issue of commission payable to the dealers of fair price shops is fundamentally a matter of contract between the State Government and the dealers, but required the petitioners therein to make a detailed representation in this regard to the State Government in its Department of Food and required the State Government to decide the same in the context of necessity of fair price shops being economically viable with further direction to ensure that 500 ration cards in respect of petitioners’ fair price shops therein are maintained. In this connection, it was also observed that if necessary, the respondents shall restructure to the extent necessary, the fair price shops in the concerned Tehsil/Gram Panchayat.

Another Co-ordinate Bench of this Court in Kailash Chand & Others(supra) held that there is no vested right in favour of the petitioners therein to have minimum 500 cards holders. Even if it is presumed that the State Government has issued guidelines to ensure that the fair price shop should have 500 card holders, then also guidelines would not create any legal right. Guidelines or executive instructions do no confer any legally enforceable right, nor courts can formulate the policy as to how many card holders should be attached to a fair price shop. Such matter would be within the domain of administrative decision and cannot be an issue of judicial review. Similar orders were passed in other writ petitions while dismissing them. When the matter was taken up before Division Bench of this Court, the Division Bench of this Court dismissed ten special appeals in the case of Hari Om Meena & Another(supra) upholding aforesaid orders passed by the Co-ordinate Bench of this Court, noting that almost all the petitioners therein have more than 500 ration cards, attached to their shops and thus, there was no threat to the viability of their business. Division Bench further held that the writ petitions, giving rise to those special appeals, were based only on the apprehension and there was no legal injury suffered by

them to maintain the writ petitions.





....

Justice D.P. Wadhwa in para 19 of his report concluded thus:

“Number of ration cards attached to a shop has a direct bearing on the income of FPS. There should be rationalization of cards for each FPS. There is a need for rationalization of the number of beneficiaries attached to the FPS to make the shops financially viable. Each FPS should have from 500 to 1000 cards. If number of ration cards exceeds 1000, the FPS should be bifurcated.”

In view of direct Division Bench judgment, this Court is not inclined to interfere in these writ petitions. However, all the writ petitions are disposed off with the observation that if the State Government in future decides to invite fresh applications for selection of fair price shop dealers, it shall keep in view the Justice Wadhwa Committee’s recommendations, which apparently was meant to ensure reasonable income to the fair price shop dealers so that they do not indulge in malpractices and consider having minimum 500 ration cards. It, however, goes without saying that there is no legal or vested right of the petitioners to insist upon having a particular number of ration cards.”

9. Similarly, another bunch of writ petitions with leading case **Hukum Singh Gurjar**(supra) came to be decided on 06.03.2017 with identical observations as was made in the case of **Neeraj Sharma** (supra).

10. In the year 2020, the respondent-department issued another notification for allotment of fair price shops and that too came to be challenged in the case of **Rajendra Singh** (supra). The Coordinate Bench of this Court dismissed the writ petition for the reason that the petitioners therein, who were running fair price shops, cannot claim as a matter of right to run the shop in the area in question. It was further held that it is for the State Government to decide number of shops, which are required in the concerned area and in view of the observations made, the writ petition was not found to be having any merit and the same was dismissed. The relevant part of the order reads as under:-





“Heard learned counsel for the petitioner and perused the record. This writ petition deserves to be dismissed for the reasons firstly, admittedly the respondents have invited applications for allotment of land and no final decision has been taken by the respondents, secondly, the petitioner who is already running the fair price shop cannot claim as a matter of right of running shop in the area in question. It is for the State Government to decide the number of shops to be run in the concerned gram panchayat; lastly in the facts and circumstances of the case, I am not inclined to exercise jurisdiction of Article 226 of the Constitution of India. Hence, this writ petition is dismissed.”

11. The position of law which can be concluded from the above-mentioned judgments is as follows:

(i) The establishment/allotment of fair price shops is a policy matter therefore, the State Government has sole authority to decide as to the number of fair price shops in an area;

(ii) the guidelines or executive/administrative instructions issued from time to time, are neither mandatory in nature nor confer any right upon the existing fair price shops holders;

(iii) the report of the Justice Wadhwa Committee is merely suggestive in nature and may be a guiding factor for taking decision to open new fair price shops in particular area; and

(iv) the existing fair price shop holders do not have any inherent or contractual or legal right enforceable against the decision to establish/allot new fair shops.

12. In view of above analysis, this Court will now consider the arguments advanced in the present writ petitions.

13. The argument with regard to the impugned advertisements being in violation of the guidelines or not adhering to the Report of Justice Wadhwa Committee, were already considered in the earlier judgments and, therefore, this Court does not deem it appropriate to delve into the same.





14. The argument with regard to action of establishing new fair price shops being malafide and politically motivated at the instance of local M.L.A./Minister to extend benefit to blue-eyed persons is devoid of merit. There is no material placed on record in the present writ petitions, which could indicate that the respondents are proposing new fair price shops at the instance of local M.L.A. or Minister. The local M.L.A./Minister, being public representative, can always recommend for opening of fair price shops, based on the demand raised by the public and considering such demand, if the State has decided to notify the applications for new fair price shops, it would not automatically indicate that such advertisement is meant to extend benefit to any blue-eyed person. The allotment of new fair price shops is yet to be made, therefore, at this stage, the allegation of allotment of new fair price shops to blue-eyed persons is baseless.

15. Moreso, most of the petitioners in the present bunch of writ petitions, are running fair price shops for about 20 years, cannot claim monopoly in the area in question. Due to rise in population and other factors, if the State Government thought it fit to open new fair price shops, that too looking to the welfare of the public of the area in question, cannot be questioned as the same is nothing but a policy decision of the State Government. In the cases of **Hari Om Meena** (supra) and **Neeraj Sharma** (supra), though the Court observed that in future if new fair price shops are proposed, then, guidelines so also the suggestions made in the Report of Justice Wadhwa Committee be considered to ensure reasonable income but at the same time, it was observed that there is no legal right or vested right of petitioners therein to insist upon having a particular number of ration cards. Meaning thereby,





the decision to allot new fair price shop was left to the decision of the State Government.

16. The petitioners have raised one of the ground that before taking decision to open new fair price shops, the State authorities have not conducted any survey to ascertain the need of new fair price shops in the area where petitioners are running fair price shops. In the opinion of this Court even if such survey is not conducted, yet the State Government can decide new fair price shops based on public demand. Even if the ratio of maintaining minimum 500 ration cards for each fair price shops is not followed, the same would not give rise to any cause for the petitioners as such requirement itself is directory and the report of Justice Wadhwa Committee is merely suggestive.

17. As far as allegation of discrimination of having fair price shops in some area with 1000 or more ration cards, yet no new fair price shop is proposed is concerned, it may be in some cases there might be fair price shops having less than 500 ration card holders or may be in some cases more than 500. Based on geographical condition, the numbers may vary but that by itself cannot be said to be discriminatory act, more particularly when main purpose of fair price shop is not to provide business but to ensure distribution of essential commodities to marginalized members of society and, therefore, allegation of arbitrariness or discrimination is not sustainable.

18. In S.B. Civil Writ Petition No.13163/2024, an additional submission was made while highlighting the fact that recommendation of MLA/Minister was for Ward No.8, whereas respondents proposed a new fair price shop in Ward No.34. As discussed earlier, it is the prerogative of the State authorities to





decide the requirement of fair price shops and, therefore, such recommendations have no binding force. It is the decision of the State Government which is final, therefore, such submission deserves to be rejected.

19. It is also relevant to note that the condition of 500 ration cards is not mandatory. The State Government, before issuing the advertisements in question, issued another circular dated 10.05.2025, whereby the condition of 500 ration cards has been maintained, but, the same can be relaxed looking to the geographical conditions and in larger public interest. The same is reproduced as under:-

“नवीन दुकानों के निर्धारण में राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 के तहत चयनित 500 राशन कार्डों एवं 2000 यूनिट के आधार पर ही उचित मूल्य दुकान का पुर्ननिर्धारण किया जाये, किन्तु भौगोलिक स्थिति के दृष्टिगत एवं जनहित में उचित मांग के आधार पर इसमें जिला कलक्टर के स्तर पर शिथिलता दी जा सकेगी। अतः इसके अनुरूप कार्यवाही किया जाना सुनिश्चित करावें।”

19.1 The recent circular dated 10.05.2025 further indicates that the State Government has kept condition of 500 ration cards intact, perhaps considering the directions issued by Justice Wadhwa Committee so also in view of the directions issued by this Court in earlier judgments, while deciding to relax these norms in exceptional cases based on geographical location and in larger public interest. That being so, if the State Government has decided to open new fair price shops in existing area of operation of the petitioners, same would not make such action arbitrary or discriminatory or illegal in any manner.

20. As an upshot of above discussion, this Court is of the opinion that opening of new fair price shop is a policy decision of the





State. The guidelines were issued by State Government from time to time and latest being Circular dated 10.05.2025 is to provide reasonable distribution of Ration Card holders amongst fair price shop dealers. However, it is the prerogative of the State Government to decide the opening of new fair price shops in any particular area. This Court does not find any ground to interfere in the policy decision of the State Government. The writ petitions are, therefore, liable to be and are hereby dismissed.

21. All pending application(s), if any, shall also stand disposed of.

(SUNIL BENIWAL),J

skm/-