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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3467/2024 & CM APPL. 14155/2024**

M/S DEV PROVISIONAL STORE

..... Petitioner

Through: Mr. Nitin Sehgal and Mr. Jatin
Kumar, Advocates.

versus

THE COMMISSIONER FOOD AND SUPPLIES & ANR.

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

05.04.2024

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1. The Petitioner seeks to challenge the Order dated 19.12.2023, passed by the Ld. Financial Commissioner of Delhi, rejecting the appeal of the Petitioner on the ground that the Petitioner is a preferential candidate.

2. Learned Counsel for the Petitioner places reliance on Clause 1.5 of the Guidelines for allotment of PDS outlets. For the sake of convenience, Clause 1.5 is reproduced herein and it reads as under:

*“1.5 . A cell in the Food & Supply Department functioning as the Secretariat for the Selection Board will receive the files and the reports of the Screening Committee. It will notify the date of the meeting of the Selection Board to all applicants. The Selection Board will consider report of the screening Committee . The Selection Board will make recommendations as below
If there are more than one applicants falling under the*

a). preferential categories then recommendation for the



most suitable applicant will be made by draw of lots amongs all applicants falling under preferential category.

b) In case there is no eligible applicant from the referential categories and there are more than one eligible applicants then the recommendation for the most suitable applicant will be made by draw of lots amongst all eligible applicants.”

3. Learned Counsel for the Petitioner submits that the Petitioner is a preferential candidate and, therefore, the Petitioner ought to have been given the outlet and it cannot be given to any other non-preferential candidate as the same is against the guidelines. The Petitioner is directed to produce the relevant guidelines showing as to where the preferential candidate category is defined.

4. List on 27.05.2024.

SUBRAMONIUM PRASAD, J

APRIL 5, 2024

Rahul