

GAHC010201822016



2026:GAU-AS:2947

THE GAUhati HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/364/2016

NIRANJAN BORO
S/O. SRI GOPAL BORA, VILL KALCHENI, P.O. KALCHRNI, P.S. TAMULPUR,
DIST. BADSA, ASSAM, PIN-781368.

VERSUS

BODOLAND TERRITORIAL COUNCIL and 8 ORS
REP. BY THE PRINCIPAL SECY. TO THE BODOLAND TERRITORIAL
COUNCIL, BODAFANWGW, KOKRAJHAR, PIN-783370.

2:THE JOINT SECRETARY

FOOD
CIVIL SUPPLIES and CONSUMER AFFAIRS DEPTT.
BTC
KOKRAJHAR
ASSAM
PIN-783370.

3:THE COUNCIL HEAD OF DEPTT.

FOOD
CIVIL SUPPLIES and CONSUMER AFFAIRS DEPTT.
BTC
KOKRAJHAR
ASSAM
PIN-783370.

4:THE SUPDT.

FOOD
CIVIL SUPPLIES and CONSUMER AFFAIRS DEPTT.

BTC
TAMULPUR
ASSAM
PIN-781367.

5:THE STATE OF ASSAM

REP. BY THE COMM. and SECY. TO THE GOVT. OF ASSAM
FOOD
CIVIL SUPPLIES and CONSUMER AFFAIRS DEPTT.
DISPUR
GHY.-06
ASSAM
PIN-781006.

6:THE DY. COMMISSIONER

MASHALPUR
DIST. BAKSA BTC
ASSAM
PIN-781346.

7:THE SUB-DIVISIONAL OFFICER C

TAMULPUR
DIST. BAKSA BTC
ASSAM
PIN-781367.

8:THE CIRCLE OFFICER

TAMULPUR
DIST. BAKSA BTC
ASSAM
PIN-781367.

9:SRI RATAN BORO

S/O. LT. KATI RAM BORO
VILL. KALCHENI
P.O. KALCHENI
P.S. TAMULPUR
DIST. BAKSA BTC ASSAM
PIN-781368

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

For the Petitioner : Mr. N. Gogoi, Advocate

For the Respondents(s) : Ms. U. Das, Addl. Sr. Govt. Advocate
Mr. A.K. Bhuyan, Standing Counsel

Date on which judgment was reserved : **NA**

Date of pronouncement of judgment : **25.02.2026**

Whether the pronouncement is of the
Operative part of the judgment? : **NA**

Whether the full judgment has been
pronounced? : **Yes**

JUDGMENT AND ORDER (ORAL)

Heard Mr. N. Gogoi, the learned counsel appearing on behalf of the petitioner. Mr. A.K. Bhuyan, the learned Standing Counsel appears on behalf of the respondent Nos. 1, 2, 3, 4 and 7 and Ms. U. Das, the learned Additional Senior Government Advocate appears on behalf of the respondent No. 5, 6 and 8.

2. None appears on behalf of the respondent No. 9.

3. The writ petitioner has approached this Court seeking a direction upon the concerned Respondent Authorities to issue a license to the petitioner as an agent to deal with PDS items under the Paschim

Defeli BSS Limited pursuant to the letters dated 09.10.2015 and 28.10.2015.

4. This Court has perused the materials on record and from the materials on record, it is seen that in respect to Paschim Defeli BSS Limited one agent, namely, Thaneswar Boro (since deceased), was appointed to deal with PDS items. The said Thaneswar Boro expired on 28.03.2015.

5. The records further reveal that in the meantime, various resolutions were adopted by the general public and various recommendations were made favouring the petitioner for issuance of a license to deal with PDS items in respect to the Paschim Defeli BSS Limited. It is also pertinent to take note of that, pursuant to such resolutions and recommendations, the Joint Secretary, Bodoland Territorial Council, Kokrajhar vide the communication dated 09.10.2015 to the Council Head of the Department approved that the petitioner should be appointed as an agent to deal with PDS items under the Paschim Defeli BSS Limited.

6. The records further reveals that the Council Head of the Department, Food, Civil Supplies, & Consumer Affairs, BTC, Kokrajhar, informed the Superintendent, Food, Civil Supplies & Consumer Affairs, Tamulpur to appoint new agents referring to the communication dated 09.10.2015. It is also seen that the Superintendent, Food, Civil

Supplies & Consumer Affairs, BTC, Tamulpur had also written a letter to the Postmaster, Tamulpur pertaining to issuance of the NSC in favour of the petitioner.

7. While the aforesaid process for appointment of the petitioner as a licensed agent to deal with PDS items in respect to Paschim Defeli BSS Limited was going on, the respondent No. 9 submitted a representation on 02.06.2015 before the Competent Authority for consideration of his case for issuance of license in respect to Paschim Defeli BSS Limited. The non-consideration of the representation led the respondent No. 9 to file a writ petition being WP(C) No. 6568/2015. The learned Coordinate Bench of this Court vide an order dated 16.10.2015 disposed of the said writ petition with a direction to the Respondent Authorities to consider the representation and to dispose of the same by passing a Speaking Order.

8. It so happened that pursuant to the order passed by the learned Coordinate Bench of this Court dated 16.10.2015 in WP(C) No. 6568/2015, the respondent No. 9 was issued the license. However, the materials on record reveal that prior to the issuance of the license, this Court had passed a status quo order in the present proceedings on 29.01.2016. Upon the said status quo order being brought to the notice of the respondent No. 4, the license issued to the respondent No. 9 was cancelled.

9. In the backdrop of the above facts, the question that arises before this Court is, as to whether this Court can issue a writ upon the Respondent Authorities to issue the license to the petitioner on the basis of the communications dated 09.10.2015 as well as 28.10.2015.

10. It is the opinion of this Court that in exercise of its powers of judicial review, this Court cannot act as an Appellate Authority over the Respondent Authorities who have the right to appoint licensed agents by issuance of license. It is only in cases where arbitrariness or unreasonableness occurs in the decision-making process, this Court can exercise the jurisdiction of judicial review.

11. Considering the above, this Court is of the opinion that this is not a case wherein directions can be passed upon the Respondent Authorities to issue a license to the petitioner.

12. This Court also heard Mr. A.K. Bhuyan, the learned Standing Counsel, BTC on the aspect, as to how the Paschim Defeli BSS Limited is presently being run, taking into account that the writ petition is of the year 2016, and as per the affidavit filed by the respondent No. 4, the license issued to the respondent No. 9 was cancelled.

13. The learned Standing Counsel appearing on behalf of the BTC submitted that in view of the interim order passed by this Court, no fresh agent has been appointed, and the consumers attached to

Paschim Defeli BSS Limited have been tagged with another licensee namely FPS dealer.

14. Considering the above, the instant writ petition stands disposed of with the following observations and directions:

(i) This Court would not like to pass any direction in the present proceedings directing the Respondent Authorities to appoint the petitioner as the licensed agent of Paschim Defeli BSS Limited.

(ii) Taking into account that no licensed agent has been appointed in respect to Paschim Defeli BSS Limited, this Court directs the Respondent Authorities to consider the case of the petitioner along with the respondent No. 9 and other eligible candidates for issuance of license to deal with PDS items in respect to Paschim Defeli BSS Limited, taking into account that tagging the consumers to another dealer is not in the spirit of the National Food Security Act (NFSA), 2013. Mr. A.K. Bhuyan, the learned Standing Counsel, BTC submitted that the same shall be done expeditiously.

(iii) Taking into account the above, this Court directs the concerned Respondent Authorities to complete the said exercise within a period of 3 (three) months from the date the certified

copy of the present judgment is served upon the respondent No.
2.

(iv) Interim order passed earlier stands vacated.

JUDGE

Digitally signed by Satyam Sharma
Date: 2026.02.26 06:28:20 +05'30'

Comparing Assistant