

2022 LiveLaw (SC) 311

IN THE SUPREME COURT OF INDIA

M.R. SHAH; B.V. NAGARATHNA, JJ.

Special Leave to Appeal (C) No(s). 3332/2022; 21-03-2022

MANJU SHARMA *VERSUS* THE STATE OF UTTAR PRADESH & ORS.

Constitution of India, 1950; Article 311 - Civil Post - Holding a license to run the fair price shop cannot be said to be holding a civil post.

(Arising out of impugned final judgment and order dated 22-10-2021 in WC No. 40982/2019 passed by the High Court of Judicature at Allahabad)

For Petitioner(s) Dr. Vinod Kumar Tewari, AOR Mr. Gaurav Agrawal, Adv. Mr. Saurabh Pandey, Adv. Mr. Pramod Tiwari, Adv. Mr. Vivek Tiwari, Adv. Ms. Priyanka Dubey, Adv. Shailaja Kant Dubey, Adv.

ORDER

We have heard Mr. Saurabh Pandey, learned counsel appearing for the petitioner.

The submission on behalf of the petitioner that with respect to cancellation of the fair price shop license, Article 311 of the Constitution of India shall be applicable is thoroughly misconceived. Holding a license to run the fair price shop cannot be said to be holding a civil post.

On merits, considering that there were number of serious irregularities found and it was found that the petitioner is a habitual offender, the license to run the fair price shop was rightly cancelled by the appropriate authority, which has been rightly confirmed by the High Court.

The Special Leave Petition stands dismissed.

Pending application stands disposed of.

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