



CNR: KAHC010459612026

NC: 2026:KHC:36085
WP No. 20716 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 20716 OF 2026 (GM-PDS)

BETWEEN:

SRI. S SHANTHAMURTHY
AGED ABOUT 55 YEARS,
S/O.LATE.B.SONNAPPA,
INAMINCHENAHALLI,
YALAGERE POST,
CHIKKABALLAPUR TALUK AND
DISTRICT PIN 562 104

...PETITIONER

(BY SRI. RITHISH D NAIK, ADVOCATE FOR
SRI. T.P VIVEKANANDA.,ADVOCATE)

AND:

Digitally signed
by SHWETHA
RAGHUVENDRA
Location: HIGH
COURT OF
KARNATAKA

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF FOOD AND
CIVIL SUPPLIES, VIKAS SOUDHA,
BANGALORE 560 001.
2. THE JOINT DIRECTOR
AND COMPETENT AUTHORITY,
DEPARTMENT OF FOOD AND
CIVIL SUPPLIES,
CHICKBALLAPUR DISTRICT,
CHICKBALLAPUR - 562 108.
3. THE THASILDAR,



CNR: KAHC010459612026

NC: 2026:KHC:36085
WP No. 20716 of 2026

CHIKKABALLAPUR TALUK,
CHIKKABALLAPUR - 562 108.
CHICKBALLAPUR DISTRICT

...RESPONDENTS

(BY SRI. PANINI A H, AGA)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR SIMILAR WRIT OR ORDER OR DIRECTION TO QUASH THE ORDER BEARING NO.CSD/DRA/ FPS/CR/20/2016-17 DATED 23.06.2026 PASSED BY THE RESPONDENT NO.2 AT ANNEXURE F AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Learned Additional Government Advocate is directed to accept notice for respondents.
2. The petitioner is before this Court seeking for the following reliefs:

"i) issue a writ of certiorari or similar writ or order or direction to quash the order bearing No. CSD/DRA/FPS/CR/20/2016-17 dated 23.06.2026 passed by the respondent No.2 at Annexure - F.

ii) issue writ of mandamus or similar writ or order or direction to the respondent Nos.2 and 3 to transfer the authorization to run fair price shop at Inaminchenahalli, Kasaba Hobli, Chikkaballapur Taluk



NC: 2026:KHC:36085
WP No. 20716 of 2026

CNR: KAHC010459612026

and District in favour of the petitioner, taking note of the order passed in W.P No.8625/2026 at Annexure-G and

iii. issue any other appropriate writ or order or direction to the respondents deem fit in the circumstances of the case in the interest of justice and equity."

3. The petitioner's father was granted an authorization under the Karnataka Essential Commodities (PDS) Control Order, 1992, for distribution of essential commodities and food articles at Inaminchenahalli, Kasba Hobli, Chikkaballapur Taluk and District, which has been renewed from time to time, the last renewal being on 18.11.2022 is in force till 11.10.2027. Unfortunately, the father of the petitioner expired on 24.03.2026 leaving behind his wife and four children. The wife and the two daughters as also another son have no objection for the transfer of authorization in favour of the petitioner herein and in that background, the petitioner had submitted an application on 27.5.2026 for transfer of authorization on compassionate basis. The said application came to be rejected on two grounds. Firstly, that the authorization holder was more than 65 years of age as on his death



CNR: KAHC010459612026

and secondly, that the petitioner had not produced any document indicating that he has passed SSLC/10th Standard. It is challenging the same, the petitioner is before this Court seeking the aforesaid reliefs.

4. The learned counsel for the petitioner submits that this Court has in a catena of decisions held that it is the age of the transferee, which is required to be taken into consideration and not the age of the deceased authorization holder, which is required to be considered and on that basis, he submits that in case of a compassionate transfer of authorization, the age of the transferee i.e., the petitioner, if taken into consideration, is less than 65 years. Insofar as the education qualification of SSLC/10th Standard, his submission is also that in a catena of decisions, this Court has categorically held that the qualification of passing SSLC would be applicable only to a fresh authorization and not to a transfer on compassionate basis.



5. The learned AGA relies on the decision in the case of ***Sri.Manmohankumar V.C & Ors., vs. the State of Karnataka & Ors.,***¹ more particularly, para 27 thereof, which is reproduced hereunder for easy reference:

27. *The condition of 'pass in 10th Standard' is a reasonable condition. Learned AAG, is also right in contending that a person who deals with commodity distribution is required to have basic knowledge in arithmetic, Banking and liaison with public offices. The other conditions with regard to age is also a matter of policy and the same is just and appropriate. Learned advocates for the petitioners have not urged any cogent arguments as to how the condition of pass in '10th Standard' and the prescription of age is ultra vires the Constitution. Therefore, condition of 'pass in 10th Standard' cannot be found fault with.*

6. By relying on ***Sri Manmohankumar V.C. & Ors.,*** (*supra*), the learned AGA submits that a coordinate Bench of this Court has upheld the power of the State to imposed an education qualification and having thus upheld, the petitioner not having placed anything on record indicating that he has passed SSLC/10th Standard,

¹ W.P.No.13559/2020, DD 23.12.2021



CNR: KAHC010459612026

the rejection made by the respondents is proper and correct.

7. Heard Sri Rithish D.Naik, learned counsel for Sri.T.P.Vivekananda and Sri Panini A.H, learned AGA and perused the papers.
8. Though the learned AGA relied on para 27 of the decision of **Manmohan Kumar V.C., and others.,** (*supra*) what would be of relevance is para 30 and 31 of the very same decision, which are reproduced hereafter for easy reference:

"30. Several applicants similarly situated as the petitioners herein, have taken the benefit of interim orders passed by this Court for consideration of their cases without reference to restriction of age and SSLC qualification. Therefore, if these writ petitions are dismissed without any observations, it would result in two set of applicants namely the one successful on the strength of several orders in various writ petitions and the other, deprived of consideration of their applications.

31. In view of the peculiar circumstances of the case, though the prerogative of the State to impose conditions to consider the applications on compassionate grounds is required to be upheld, this Court is of the opinion that it is desirable for the State Government to consider the cases of



CNR: KAHC010459612026

these writ petitioners, without reference to the restriction of 'age' and 'pass in 10th Standard' which shall be in parity with various orders passed by this Court in several writ petitions."

9. A reading of the above said para 30 and 31 would categorically indicate that though the coordinate Bench upheld the power of the State to impose any condition, the coordinate Bench took into account the decisions rendered by this Court in several matters, where the benefit had been extended to persons, who had not passed SSLC Examination and was of the considered opinion that, even if the power to impose such a condition were to be upheld, it ought not to result in two sets of applicants namely, one successful on the strength of several orders in various writ petitions and the others deprived of consideration of their applications and it is on that basis that, the coordinate Bench came to a conclusion and directed the respondents to consider the application of transfer on compassionate basis without reference to the restriction of age and pass in 10th Standard, so as to provide parity with various orders passed by this Court in several writ petitions. Thus, it



CNR: KAHC010459612026

would not be available now for the State to rely upon para 27 of the said decision, when para 30 and 31 speak otherwise.

10. In that view of the matter, this Court passes the following:

ORDER

- i. The writ petition is allowed.
- ii. A certiorari is issued. The endorsement, at Annexure-F, bearing No.CSD/DRA/FPS/CR/20/2016-17, dated 23.06.2026 is quashed.
- iii. A mandamus is issued directing respondent Nos.2 and 3 to transfer the authorization to run the fair price shop at Inaminchenanalli Kasba Hobli, Chikkaballapur Taluk and District, in favour of the petitioner, within a period of 30 days of the receipt of a copy of this order subject to the petitioner complying



**NC: 2026:KHC:36085
WP No. 20716 of 2026**

CNR: KAHC010459612026

with all formalities including providing of indemnification and or documentation from the other family members indicating that they have no objection for such transfer to be made in the name of the petitioner.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

ND
List No.: 1 SI No.: 30