

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10346 of 2013

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1. Sunil Kumar Chaudhary Son Of Late Bangali Chaudhary Resident Of Village - Korari, Post Office - Korari, Ward No. 6, Gram Panchayat - Korari, Police Station : - Belchhi, District - Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through The District Officer Patna, Patna Collectorate Building, Patna
2. The Additional District Magistrate (Supply) Patna Collectorate Building, Patna
3. The Sub-Divisional Officer, Barh, District - Patna
4. The Parkhand Supply Officer, Parkhand Belchi, District - Patna
5. Deputy Godown Manager, State Food Corporation, Barh, District - Patna
6. Sri Kameshwar Prasad A Licensee Of Fair Price Shop'S Dealership Under Public Distribution System, Gram Panchayat - Korari, Village - Jodhan Bigha, Post Office - Jodhan Bigha, Via - Harnaut, District - Patna
7. Sri Naresh Prasad Singh Village - Korari, A Licensee Of Fair Price Shop'S Dealership Under Public Distribution System , Gram Panchayat - Korari, Post Office - Korari, Via - Harnaut, District - Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad Singh, Advocate
M/s R.C. Pandey , Amit Anand

For the State : Mr. Ravi Bhardwaj, AC to GA 5

For Respondent No.7 : Mr. Ajay Mukherjee, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 18-08-2015 The father of the petitioner was a licensee of fair price shop bearing License No.167/2007(New) and 34/1992(old). However, he died on 15.6.2012 at the age of 65 years. Thereafter, the petitioner thereafter made an application for compassionate appointment in place of his father Bangali Choudhary.

A counter affidavit has been filed on behalf of Respondent No.4 wherein it has been stated the license of the

petitioner's father was renewed on 14.6.2011 and as such the case of compassionate appointment on his death would be governed by Public Distribution System (Control) Modification Order, 2011 amended on 13.6.2011. The amended order has laid down procedure and criteria for compassionate appointment. As per clause 4 the compassionate appointment would be granted to the heirs of the deceased licensee if he has died within the age of 55 years. A copy of the Public Distribution System (Control) Modification Order, 2011 is annexed as Annexure-D to the counter affidavit.

There is no denial that the father of the petitioner died at the age of 70 years beyond the age of 55 years. In such circumstances, the application of the petitioner's son for compassionate appointment under 2011 Amendment Order is not maintainable in view of clause 4 of the said order. However, the petitioner's application can be considered on merit along with the cases of others in accordance with law if the petitioner files a fresh application at an appropriate time.

With the aforesaid observations and directions, this writ application stands disposed of.

(Samarendra Pratap Singh, J)

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