

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5664 of 2013

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1. Rakesh Kumar Son Of Sidheshwar Singh Adopted Son Of Late Indu Singh, Resident Of Village- Pachasa, P.O. Mora Talab, P.S. Rahui, District- Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar Through District Magistrate, Nalanda At Bihar Sharif
2. The Sub Divisional Officer, Nalanda At Bihar Sharif
3. The District Supply Officer, Bihar Sharif, Nalanda
4. The Circle Officer, Rahui, District- Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

6 28-09-2015

The petitioner had earlier moved this court for a direction to the District Selection Committee for grant of PDS license on compassionate ground in place of late Indu Singh as he is the adopted son. This court disposed of the writ application with a direction to the respondent licensing authority as well as to the Chairman of the District Level Selection Committee to consider the application of the petitioner for grant of P.D.S. license on compassionate ground vide order dated 23.11.2012 passed in C.W.J.C. No. 21143 of 2012. The District Selection Committee in its meeting dated 19.12.2012 rejected the application of the petitioner for grant of license on compassionate ground in place of late Indu Singh.



The petitioner submits that the District Selection Committee has rejected the application without considering the certificate of the Circle officer which he had produced on record. The petitioner has annexed the certificate of the Circle Officer, dated 06.08.2009 as annexure-7 wherein he has been shown as adopted son of Indu Singh. The petitioner submits that though the certificate was on record, the respondents erred in observing that no document was produced by the petitioner in support of his contention.

Dr. Upadhyay learned counsel for the State submits that the petitioner has failed to produce certificate of appropriate authority though he was provided an opportunity to produce the same, as such his application for license has been cancelled. He next submits that the petitioner in his application for grant of PDS license has addressed himself as son of Sidheshwar Singh though he is claiming to be adopted son of Indu Singh. All these aspects go against the claim of the petitioner that he is adopted son of Indu Singh. In support of his submission he has referred to section 10 to 12 of the Hindu Adoptions and Maintenance Act, 1956. From bare perusal of section 12 of the Act, it appears that an adopted child shall be deemed to be the child as his or her adoptive father or mother for all practical

purposes.

Besides this, I find that the petitioner again has addressed himself as son of Sidheshwar Singh in the writ application also. The petitioner has produced certificate of the circle officer but not of appropriate authority as sought by the District Level Selection Committee.

In view of the above, I do not find any merit in this application and the same is dismissed. However, in the facts of the case, I am inclined to grant one more opportunity to the petitioner to submit certificate of authority for allotment of PDS shop on compassionate ground. The petitioner must produce such certificate of competent authority within six weeks before Licensing Authority, who would process the file in accordance with law.

(Samarendra Pratap Singh, J)

M.Rahman/-

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