

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.951 of 2015

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Kanchan Devi, wife of Sri Parmanand Choudhary, resident of village -
Gangapur Garhel, P.O.- Sultanpur, P.S.- Amarpur, District - Banka.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Collector, Banka, District - Banka.
3. The Sub-Divisional Officer, Banka, District - Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh

For the Respondent/s : Mr. S.S. Prasad, SC-10

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 27-03-2015

Learned counsel for the parties are present.

The prayer of the petitioner for transfer of dealership under the Public Distribution System (Control) Order, 2001 as enforced in the State of Bihar vide Bihar Fair Price Shop Order, 2007 (hereinafter referred to as 'the Control Order') has been rejected by the Licensing Authority –cum- Sub-Divisional Officer, Banka vide order bearing Memo No.504 dated 21.6.2014 relying upon Clause 2.5 of 'the Control Order' which does not provide for such transfer of dealership to a married daughter, while recognizing the right of an unmarried daughter.

It is not in dispute that the petitioner is a married daughter of the deceased licensee, namely, late Suresh Choudhary who held the licence bearing No.68 of 2012 for

running a fair price shop under public distribution system.

Clause 2.5 of 'the Control Order' relating to grant of licence in compassionate cases reads as under:

"2.5 Compassionate Cases:- On priority basis wife/husband, son, unmarried daughter, daughter in law, widow of deceased son would be allotted shops. Affidavit for no objection shall be obtained from rest of dependents as mentioned above. The application shall be accepted from the dependent within the two years from the date of death of the licensee."

In view of the fact that a married daughter does not find mention in the categorization so made in the control order, no infirmity can be found in the order impugned in this writ petition which is accordingly disposed of.

(Jyoti Saran, J)

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