

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.192 of 2015

In

Civil Writ Jurisdiction Case No. 10346 of 2013

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Sunil Kumar Chaudhary Son of Late Bangali Chaudhary Resident of
Village-Korari, P.S.-Korari, Ward No.-6, Gram Panchayat, Korari, P.S.-
Belchhi, District-Patna Petitioner

Versus

1. The State of Bihar, through the District Magistrate 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 Belchhi, District-Patna.
 5. Sri Kameshwar Prasad, a Licensee of Fair Price Shop's dealership under Public Distribution System, Gram Panchayat-Korari, Village-Jodhan Bigha, P.O.-Jodhan Bigha, Via-Harnaut, District-Patna.
 6. Sri Naresh Prasad Singh Village-Korari, a Licensee of Fair Price Shop's dealership under Public Distribution System, Gram Panchayat-Korari, Village-Jodhan Bigha, P.O.-Jodhan Bigha, Via-Harnaut, District-Patna
- Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad Singh, Advocate and
Mr. SRC Pandey, Advocate

For the Respondent/s : Mr. Sanjay Kumar, AC to GA 5.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 02-03-2016 Heard learned counsel for the parties.

The petitioner submits that he seeks modification of
order dated 18.8.2015, passed in C.W.J.C.No. 10346 of 2013.

The petitioner filed a writ petition stating that his
father Late Bangali Chaudhary 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. The
petitioner sought compassionate appointment in place of his
father on the ground that the licence of the PDS shop was
renewed on 14.6.2011 and thus his case would be governed by
Public Distribution System (Control) Order, 2007. He submits

that the PDS control order, 2007 provided for compassionate appointment without any condition that the licensee should not have crossed the age of 55 years.

It is not in dispute that the Public Distribution System (Control) Modification Order, 2011 as amended came into effect on 23.6.2011, though it was published in Gazette on 15.7.2011. Father of the petitioner died on 15.6.2012 on which date amended PDS control order, 2011 had already come into force. As per clause 4 of the said order, compassionate appointment can be granted to the heirs of the deceased licensee if he has died within the age of 55 years. As the father of the petitioner died much after coming into force of amended PDS Control order, 2011, his case would be governed by Public Distribution System (Control) Modification Order, 2011 as amended on 13.6.2011.

In this view of the matter, I do not find any merit in this review application and it is accordingly rejected.

However, rejection of the order would not come in the way of the petitioner to apply afresh in accordance with law.

(Samarendra Pratap Singh, J)

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