

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.325 of 2015
IN
Civil Writ Jurisdiction Case No. 12210 of 2010**

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Ravi Shankar Keshri Son of Kamdeo Prasad Keshri Resident of Village - Prasando,
P.S. - Haveli Kharagpur, District - Munger.

.... Appellant

Versus

1. The State of Bihar through the Secretary, Food Supply and Commerce Department, Government of Bihar, Patna.
2. The Secretary, Food and Supply and Commerce Department, Government of Bihar, Patna.
3. The Collector, Munger.
4. The Sub Divisional Officer cum Licensing Authority, Kharagpur, Munger.
5. District Supply Officer, Munger.
6. The Special Officer in Charge, Rationing, Munger.

.... Respondents

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Appearance :

For the Appellant : Mr. Anil Kumar Singh, Advocate
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 11-07-2017

Appeal is directed against the order dated 08.01.2013 passed by a learned single Judge who dismissed the writ application refusing to give any relief to the petitioner by not issuing any direction upon the licensing authorities to grant him benefit of a P.D.S. dealer in terms of a so-called agreement between the original holder of the licence, namely, Ajab Lal Keshari and him.

It seems that on the basis of an arrangement between the present appellant and Late Ajab Lal Keshari, who also happens to be the uncle of the present appellant, the appellant was running a P.D.S.



shop in the name of the original grantee. After his death, he asserted his right for settlement in his favour. The respondent State authorities refused and they decided to give the benefit of the licence to the son of the original grantee in view of the provisions, which is Clause 2.5 of the Public Distribution (Control) Order, 2001, where licenses on compassionate ground can be granted either to a husband/wife, son, daughter-in-law or widow of the deceased son. Nephew does not come within the ambit of such consideration.

Reliance on behalf of the appellant on a decision rendered in C.W.J.C. No. 14349 of 2006 was also negated since that decision was rendered under the old Control Order and not under the 2001 P.D.S. Control Order, which was in vogue.

The learned single Judge has committed no error in law or fact, which needs rectification in appeal.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

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