

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.16178 of 2016**

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Santosh Kumar Son of Late Uma Kant Singh, resident of Village- Supouli, P.S. and Block- Sidhwariya, District- Gopalganj.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Joint Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The District Magistrate-cum- Chairman, of Compassionate Appointment Committee, Gopalganj.
4. District Supply Officer, Gopalganj.
5. The Sub Divisional Officer, Gopalganj.
6. The Sub Divisional Officer, Hathwa,
7. The District Co-operative Officer, Gopalganj.
8. District Project Officer, Gopalganj.
9. District Account officer, Gopalganj.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Arun Kumar Singh, Adv.

For the Respondent/s : Mr. S. Raza Ahmad, AAG5  
Mr. Anisul Haque, AC to AAG-5

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 04-07-2017**

Heard learned counsel for the petitioner and counsel  
for the State.

In this case, the petitioner is seeking appointment as  
P.D.S. Dealer as his father was having a valid license of P.D.S. but  
has died on 4.7.2015 leaving behind his wife and six sons.

In the present application, the petitioner, after death  
of his father, has applied for the appointment as P.D.S. Dealer before  
the Licensing Authority who asked the report from the Block Supply



Officer, Sidhwariya (Gopalganj). It appears that the District Collector, vide letter no. 425 dated 29.4.2017, sought clarification from the higher authority with respect to applicability of the old law and new law. As per Clause-10 of the new Control Order, 2016, it will be treated to be a fresh licence subject to condition that the person, who has applied, must fulfill the condition as mentioned in the said Clause.

In the present case, the State has submitted that the new Control Order, 2016 has been enforced with effect from 14<sup>th</sup> of March, 2016 though his father has died in the year 2015 but, in view of the enforcement of the new Control Order, 2016, unless the petitioner satisfies the condition mentioned in Clause 10, he cannot be given licence for running the PDS shop.

A counter affidavit has been filed by the State which is kept in record.

Be that as it may, let the Licensing Authority should consider the application of the petitioner and take a decision in accordance with law. The Licensing Authority will also examine about the applicability of the old law or the new law and will take into consideration that the father of the petitioner has died before the enforcement of the Bihar Targeted P.D.S. (Control) Order, 2016 i.e. the new rule.

With the aforementioned observation and direction,



this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

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| AFR/NAFR          | NAFR       |
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