

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18763 of 2017

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Vibha Devi, W/o Late Vijay Kumar Patel, Resident of Agia, P.O.- Jarang Dyodhi,
P.S.- Gaighat, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food & Consumer Protection, Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Sub Divisional Officer, East Muzaffarpur.
4. The District Supply Officer, East Muzaffarpur.
5. The Block Supply Officer-cum Block Development Officer, Gaighat, District- Muzaffarpur.
6. Ajaya Kumar, S/o Late Surendra Sah, R/o Kafan Chaudhary, P.S.- Hathauri, District- Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Pawan Kumar Singh
Mr. Pradhan Murli Manohar Prasad
Mr. Raju Kumar Goswami, Advocates.

For the Respondents : Mr. Arbind Ujjawal, SC-4
Mr. Maruty Nath Roy, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-01-2018

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

2. The present writ petition has been filed for the
following reliefs:

*“(i) To issue an appropriate order/s, direction/s including
a writ preferably in the nature of Mandamus commanding
and directing upon the respondents to issue a fair price
shop license to the petitioner on compassionate ground
whose husband died.*

(ii) To direct the respondent no. 3 to consider the case of



petitioner with regard to issuance of fair price shop license in view of the recommendation of respondent no. 5.

(iii) To direct the respondent no. 3 to issue license to the petitioner with respect to the P.D.S. shop under the Public Distribution System (Control) Order 2001 which is the only means of earning her livelihood.

(iv) To direct the respondent no. 3 to issue fair price shop license taking into the consideration that similarly situated case the private respondent has been issued license on account of death of his father.

(v) To any other relief/s to which the petitioners are entitled in the facts and circumstances of the case."

3. At the very outset, learned counsel for the petitioner submits that it will suffice if the petitioner is permitted to file appropriate representation before the Sub-Divisional Officer, East, Muzaffarpur in connection with her application for compassionate appointment filed on 05.05.2015 (Annexure-3) for redressal of her grievances raised in the present writ petition, in which event, the present writ petition need not be pressed on merits.

4. Learned counsel for the respondents appears and has been heard. No counter affidavit has been filed.

5. Having regard to the nature of the grievances and the stand of the petitioner, the present writ petition is disposed of granting liberty to the petitioner to file a fresh representation before the Sub-Divisional Officer, East, Muzaffarpur (respondent no. 3) for redressal of



her grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of expeditiously and preferably within a further period of eight weeks thereafter in accordance with law.

(Vikash Jain, J)

Md. Ibrarul/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	30.01.2018
Transmission Date	N.A.

