

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3647 of 2019

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Zarina Khatun Wife of Late Md. Mobin Ansari, Resident of Village- Ward
No. 4, Vikram Nadail, P.S.- Bakhari, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Chairman-cum-District Magistrate, District Selection Committee, Begusarai, District- Begusarai.
3. The Sub-Divisional Officer, Bakhari, District- Begusarai.
4. The Block Supply Offices, Bakhari, District- Begusarai.

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Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh

For the Respondent/s : Mr. Alok Ranjan, AC to AAG 5

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 27-05-2019

Heard learned counsel for the petitioner and learned AC
to AAG 5 for the State.

2. The petitioner has moved the Court for the following
relief:

“That this writ application is being filed on behalf of the petitioner above named for issuance of an appropriate writ, order and direction to the respondent No. 2 to consider the name of the petitioner and to issue P.D.S. license on compassionate ground in the name of the petitioner and till final order not to issue any P.D.S. license to another on place of the petitioner.”

3. The petitioner being the wife of a fair price shop dealer, upon the death of her husband who was the licence holder,



on 15.06.2016, had applied before the authorities for grant of licence in her name on compassionate ground in terms of the Rule 10 of the Bihar Targeted Public Distribution System (Control) Order, 2016 (hereinafter referred to as the 'Control Order, 2016'). The same having remained pending till date has given rise to the present writ petition.

4. Learned counsel for the petitioner submitted that besides becoming a widow, she is left with no support after the death of her husband, as her application for grant of licence in her name, which is provided under the Control Order, 2016, is still pending. It was submitted that the authorities by not taking a decision on the same are acting contrary to the statutory provision and also causing serious prejudice to the rightful claim of the petitioner under Rule 10 of the Control Order, 2016. It was further submitted that the said application was made in October, 2016 itself i.e., a few months of the date of death whereas statutory provision grants two years time for filing such application for allotment of the shop of her husband in her name.

5. Learned counsel for the State fairly submitted that the application, if still pending, shall be considered and final decision taken expeditiously.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that the inaction on the part of the respondents is highly unfortunate. A widow having lost her husband and also the source of livelihood, having applied more than two years back for allotment of the said shop, after the death of her husband, in her name and the authorities not taking any decision cannot be accepted.

7. Accordingly, the writ petition is allowed. The concerned Committee, which is headed by the respondent no. 2, is directed to take a final decision in the matter, after giving opportunity of hearing to the petitioner, if already not done, expeditiously and positively within one month from the date of production of a copy of this order before the respondent no. 2.

(Ahsanuddin Amanullah, J)

Anjani/-

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