

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1767 of 2019

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Harihar Sah, aged 35 years (Male), son of Late Ganesh Sah, R/o- Village
+P.O. -Giridhar Baroan, P.S. Nawa Nagar, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Buxar
2. District Level Selection Committee through its Chairman-cum- District Magistrate Buxar
3. District Supply Officer, Buxar
4. Sub-Divisional Magistrate, Dumroan, Buxar
5. Block Supply Inspector, Nawa Nagar, District-Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Jitendra Prasad Singh
For the Respondent/s	:	Mr. Md. Anisul Haque, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-02-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner, in the present case, is challenging the decision dated 18.09.2018, as contained in Annexure-7 to the writ application, by which the request of the petitioner for grant of licence of the Public Distribution Shop on compassionate ground has been rejected by the Sub-Divisional Officer on the ground that the petitioner does not possess the minimum qualification of matriculation. The petitioner is also looking for a mandamus to the State-respondents to grant him licence as according to him after death of his father, who had the licence in his name, the petitioner is now only bread-earner of the family.



Learned counsel for the petitioner submits that even though in terms of Rule 9(v) of the Bihar Targeted Public Distribution System (Control) Order, 2016 (hereinafter referred to as the 'Control Order, 2016') the applicant of a fair price shop licence must be matric pass and an adult, the case of the petitioner according to learned counsel may be considered taking a sympathetic view of the matter.

On the other hand, learned counsel representing the State submits that any licence granted on compassionate ground is in the nature of a fresh licence as envisaged under Rule 10 of the Control Order, 2016. It is submitted that unless the petitioner possesses the requisite qualification of matric pass, he cannot be considered for grant of licence on compassionate ground.

Having heard learned counsel for the parties, this Court is of the considered opinion that once the Control Order, 2016, which has got a force of law, lays down a eligibility condition wherein an applicant of fair price shop licence must be matric pass and an adult, this Court sitting in its writ jurisdiction would not be in a position to alter the eligibility terms. If the petitioner is not a matriculate and for that reason his request for grant of licence on compassionate ground has been rejected, this Court does not find any reason to interfere



with the order impugned in the writ application.

Even though opportunities were granted to the learned counsel for the petitioner to place on record any judicial pronouncement on the subject wherein such a relaxation could have been granted to the petitioner, learned counsel for the petitioner is unable to place any such judgment or order of the Court.

In the facts and circumstances stated hereinabove, this writ application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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