

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19899 of 2019

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Rakesh Kumar aged about 26 years, Male, S/o Satyanarayan Yadav Resident
of Lachhmipur Sahodera, Distt.- West Champaran

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies
Department, Bihar
2. The District Magistrate West Champaran, Bettiah
3. The Sub Divisional Officer Bagha, West Champaran, Bettiah

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Advocate
For the Respondent/s : Mr. Anisul Haque, A.C. to AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-11-2019 Heard learned counsel for the petitioner and

learned counsel for the State.

Prima-facie this court is of the view that the
petitioner has made out a case for interference with the
impugned order by which his application for grant of
licence has been rejected on the solitary ground that it has
been filed after a period of two years.

The facts of the case reveal that father of the
petitioner died on 09.05.2016. Immediately thereafter, the
mother of this petitioner submitted an application for grant
of licence on compassionate ground and such application
was preferred on 11.08.2016. The respondent authorities



kept her application pending for almost two years, which would be evident from Annexure '1' to the writ application. It is only in the meeting held on 11.06.2018 that the application of the mother of the petitioner was considered and it was rejected saying that she does not possess the minimum qualification of being a matriculate.

Learned counsel for the petitioner submits that immediately thereafter the present petitioner submitted his application for consideration and such application was preferred by him on 23.10.2018, which has now been rejected on the ground that he had submitted his application after two years. The two years period is the statutory period provided under the Bihar Targeted P.D.S. (Control) Order, 2016 under Rule 10 for submission of an application for grant of licence on compassionate ground.

Learned counsel for the petitioner submits that it is the State respondents who are responsible for causing the delay inasmuch as it would be evident that the respondents kept the application of the mother of this petitioner pending for almost two years and it is only after the petitioner came to know that his mother has not been granted licence, the



petitioner applied for grant of licence. In the totality of the circumstances, it has been submitted that the rejection of the application of the petitioner on the ground of delay is liable to be set-aside.

Learned counsel for the State submits that the decision to reject the application of the petitioner has been taken only because he had applied for the licence after a period of two years.

Having heard learned counsel for the petitioner and learned counsel representing the State and in the nature of the order proposed to be passed, learned counsel for the State submits that the matter may be disposed off for a fresh consideration by the District Magistrate, West Champaran at Bettiah.

In the given facts and circumstances of the case, the impugned decision as contained in the Minute of the meeting dated 29.07.2019 (Annexure '2' to the writ application) as regards the petitioner is hereby set-aside.

The matter is remitted to the District Level Selection Committee headed by the District Magistrate, West Champaran at Bettiah to consider the application of



the petitioner afresh on it's own merit keeping in view that the mother of the petitioner had submitted her application well within time and it is the State respondents who kept the said application pending for almost two years and then rejected the same whereafter within a reasonable time this petitioner has applied for grant of licence.

Let the application of the petitioner be considered and a decision in this regard be taken within a period of two months from the date of receipt/production of a copy of this order.

This Writ Application is disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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