

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25786 of 2019

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Baby Malakar W/o Arvind Malakar, Resident of Village-Salempur, P.S.-
Barachatti, District-Gaya.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The Sub Divisional Officer, Sherghati, Gaya.
5. The District Supply Officer, Gaya.
6. The Block Supply Officer, Sherghati, Gaya.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-02-2020 The present writ petition has been filed seeking the
following reliefs :-

“ (I) To issue an appropriate order/s, direction/s including a writ preferably in the nature of Mandamus commanding the directing upon the respondent to appoint the petitioner as PDS dealer on compassionate ground after the death of her father in law who has also a licensee under Bihar Targeted Public Distribution (Control) order, 2016 and was allotted license bearing No. 36/2012.

(II) To direct the respondents to appoint the petitions PDS dealer on compassionate ground in terms of clause 10 of the PDS Control Order



2016 and was dependent upon her father in law applied within two years of death.

(III) To direct the respondents to appoint the petitioner PDS dealer on compassionate ground that other dependents have for sake their claim in favour of the petitioner.”

The learned counsel for the petitioner has submitted that though the petitioner has filed an application for grant of PDS dealership on compassionate ground before the S.D.O. Sherghati but the same is not being considered.

Per contra, the learned counsel for the respondents submits that a Selection Committee headed by the District Magistrate, Gaya is the competent authority to decide the application of the petitioner for grant of P.D.S. dealership on compassionate ground and in case, the petitioner files an appropriate representation before the District Magistrate concerned i.e. the District Magistrate, Gaya within a period of four weeks from today, appropriate action will definitely be taken.

Having regard to the facts and circumstances of the case, I deem it fit and appropriate to dispose off the present writ petition with liberty to the petitioner to file appropriate application within a period of four weeks from today before the



District Magistrate, Gaya, whereafter appropriate steps shall be taken and necessary orders shall be passed on the application of the petitioner within a period of eight weeks thereafter.

The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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