

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2027 of 2022

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Md. Kudrat Ansari Son of Late Ejmail Ansari resident of Village- Kurum
Tand P.S.- Chandan District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Food and Supply and Consumer Protection Department New Secretariat Patna.
2. The Principal Secretary, Food and Supply and Consumer Protection Department New Secretariat Patna.
3. The District Magistrate, Banka
4. The Sub Divisional Officer, Banka
5. The District Supply Officer, Banka
6. The Block Supply Officer Block- Chandan, District- Banka

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Sushmita Mishra, Advocate
For the Respondent/s : Mr. Bishambhar Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 07-07-2022

Heard Ms. Sushmita Mishra, learned counsel for the
petitioner and Mr. Bishambhar Prasad for the State.

By way of second supplementary affidavit, the
learned counsel for the State has brought on record the entire
proceeding of the committee, which has rejected the claim of
the petitioner for license on compassionate ground.

The request of the petitioner to be granted license on
compassionate ground has been rejected on the avowed



reason of he is not having the requisite qualification for being granted a license.

However, Mr. Bishambhar Prasad, learned counsel for the State submits that for the reason of late submission of the application form by the petitioner, his claim has been rejected.

This ground does not get reflected from the minutes of the proceedings.

On the contrary, Ms. Mishra, learned counsel for the petitioner has submitted that within ten days of the death of the licensee, his wife, who is also the mother of the petitioner, applied for grant of license on compassionate ground. Shortly thereafter, because of her ill-health, she forshook her claim and intimated the authority that in her place, his son, who is a class I heir and who is entitled to stake his claim for the license on compassionate ground, be considered for grant of such license.

The record of the proceeding however does not indicate any cogent reason for rejecting the claim of the petitioner.



We cannot accept the oral submission of the counsel for the State that for the late submission of the application form by petitioner no. 2, his claim has been rejected.

For the reason aforestated, the decision with respect to the petitioner, rejecting the grant of license to him on compassionate ground is set aside.

The case of the petitioner be reconsidered by the committee within a period of sixty days from the date of receipt/production of a copy of this order. In case the claim of the petitioner is found to be genuine, necessary sequel order shall be passed. If at all, for any reason, the claim of the petitioner is not maintainable, that shall be recorded clearly and with reasons in the order disposing of the application of the petitioner.

The petition stands allowed and disposed of.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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