

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8309 of 2022

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Ganesh Kumar, aged about 41 years, male, Son of Late Jawahar Sah, resident of Village- Dulaur Bargad Parwa, P.O. and P.S.- Jagdishpur, Anchal-Jagdishpur, Ward No. 8, District- Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department.
2. The District Level Supply Selection Committee (Compassionate), Bhojpur at Ara through its Collector of the District Bhojpur, Ara.
3. The Sub-Divisional Officer, Jagdishpur, District- Bhojpur, Ara.
4. The District Supply Officer, Bhojpur at Ara.
5. The Block Supply Officer, Jagdishpur, District- Bhojpur, Ara.
6. The Anchal Adhikari, Jagdishpur Block, Bhojpur, Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Mohan Kumar Singh, Adv.
For the State : Mr. Alok Ranjan, Adv.

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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 : 20-10-2022

Heard Mr. Brij Mohan Kumar Singh, the
learned Advocate for the petitioner and Mr. Alok



Ranjan, the learned counsel for the State.

2. The challenge in the present petition is to the decision of the Sub-Divisional Officer, Jagdishpur (Bhojpur), in not recommending the case of the petitioner before the committee for being considered for grant of license on compassionate ground.

3. The father of the petitioner was a licensee, who died, and after his death, the petitioner had made an application for consideration on compassionate ground.

4. On perusal of the application of the petitioner by the committee, it was found that it did not contain character and the age certificates of the father (licensee).

5. The application preferred by the petitioner was returned, which was again sent/routed through the supply office on 12.10.2017.



6. The committee, again, perused the application of the petitioner, but found that out of his brothers, one was a licensee under the P.D.S. scheme and the other was in government service, which is an impediment under Section 10 of the Bihar Targeted Public Distribution System (Control) Order, 2016 for grant of license on compassionate ground.

7. The petitioner has chosen to challenge the decision of the Sub-Divisional Officer, Jagdishpur (Bhojpur) in not recommending his case on the sole ground that in the interregnum, a property dispute arose between the brothers and in Title Suit No. 43 of 2019, there has been a partition by metes and bounds.

8. Thus, it has been submitted on behalf of the petitioner that with the aforesaid partition and the other brothers not looking after the widow mother, the entire responsibility has fallen on the



shoulders of the petitioner and, therefore, he requires to be considered for grant of license on compassionate ground.

9. Mr. Singh further submits that the vacancy caused because of the death of the father of the petitioner, still survives and nobody has been granted license for such P.D.S. shop up-till-now.

10. The afore-noted arguments were advanced before the Sub-Divisional Officer, Jagdishpur, (Bhojpur) also, but the request was not acceded to.

11. After some arguments, Mr. Singh, the learned Advocate for the petitioner seeks permission to withdraw this petition in order to, if deemed appropriate, agitate this matter before the District Magistrate of the concerned district, who heads the committee for deciding candidature of persons for grant of license on compassionate



ground.

12. As prayed for on behalf of the petitioner, the petition is permitted to be withdrawn with the liberty aforesaid.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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