

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15562 of 2021

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Sudhir Kumar, aged about 37 years, male, Son of Late Ramshreshth Prasad,
Resident of Ward No. - 6, Kohbarwa, P.S. - Sonbarsha, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The District Magistrate Sitamarhi, District - Sitamarhi.
3. That District Supply Officer, Sitamarhi, District - Sitamarhi.
4. The Sub Divisional Officer-cum-Licensing Authority, Sitamarhi Sadar, District - Sitamarhi.
5. The Block Supply Officer, Block - Sonbarsha, District - Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra, 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 : 22-09-2022

Heard Mr. Anil Chandra, the learned

Advocate for the petitioner and Mr. Alok Ranjan, the

learned counsel for the State.

2. The claim of the petitioner for being

granted license on compassionate ground has been

rejected by the District Selection Committee on a



presumption that his father, an erstwhile P.D.S. dealer, died at the age of 60 years.

3. The petitioner contends that his father died at the age of 57 years and 10 months and thus, he was eligible for being considered for compassionate grant of license under the Bihar Targeted Public Distribution System (Control) Order, 2016.

4. Since the decision to non-suit the petitioner has been taken by the District Selection Committee of which the District Magistrate is a part before whom appeal is maintainable, we deem it appropriate to refer the matter to the Divisional Commissioner in view of the notification dated 21.07.2022 issued by the Government in exercise of the powers conferred under Sections 3 and 5 of the Essential Commodities Act, 1955 read with Clause 36 of the Bihar Targeted Public Distribution System (Control) Order, 2016, for final determination of the grievance of the petitioner.



5. Should the petitioner approach the Divisional Commissioner with a suitable representation/complaint within a period of fifteen days, he shall look into the matter and after giving hearing to all the concerned parties, shall pass a final order within a further period of sixty days, giving reasons in support of the decision taken by him.

6. The order so passed by the authority shall be made available to the petitioner forthwith.

7. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
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