

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17262 of 2021

Abdus Salam S/o Late Abdul Aziz, Resident of Dhamshyam, Panchayat -
Dhamura, Block - Alinagar, P.S.- Alinagar, District - Darbhanga.

... .. Petitioner.

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply
Department, Govt. of Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The Sub-Divisional Officer, Benipur.
4. The Block Supply Officer, Alinagar.

... .. Respondents.

Appearance :

For the Petitioner/s : Mr. Akash Chaturvedi, Advocate
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC-4

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 06-04-2022 Heard Mr. Akash Chaturvedi, learned Advocate

for the petitioner and Mr. Upendra Pratap Singh for the

State.

The petitioner was earlier granted licence under
the Public Distribution System scheme on compassionate
ground as his father, a PDS dealer, is said to have died
within the age of 60 years.

Later, a complaint was filed in the office of the
Licensing Authority by one of the aspirants disclosing



that such information about the age of father of the petitioner was incorrect and that at the time of his death he was 75 years of age.

Initially, such complaint was discarded as being based on no material.

But, later, on the evidence being furnished by such aspirant, the facts were analysed by the Licensing Authority and it was found that wrongly the petitioner was given the licence on compassionate ground.

The father of the petitioner, a PDS licensee, had died perhaps at the age of 74 years.

Mr. Chaturvedi, learned Advocate, however, has pointed out that the order is lop-sided in as much as two documents furnished on his behalf with respect to age of his father has not at all been looked into and the allegation against him has been accepted without any basis.

It appears from the order that the age of the father of the petitioner has been determined on the basis



of the voters list, which was regularly being modified every year with respect to the age of the father of the petitioner.

Be that as it may, if the petitioner is aggrieved by such decision of the Licensing Authority, he would be perfectly within his right to challenge the same before the Appellate Authority.

We are not persuaded to interfere with the order of the Licensing Authority for the reason that the alternative remedy of appeal provided under the Bihar Targeted Public Distribution System (Control) Order, 2016 has not been exhausted by the petitioner.

We, therefore, direct that in case the petitioner files an appeal before the Appellate Authority within a period of 30 days from today, the Appellate Authority shall take it up and after affording reasonable opportunity of hearing to the petitioner, shall pass a final reasoned order within next 60 days, giving reasons in support or against the order impugned in the appeal.



The aforesaid order shall be made available to the petitioner forthwith.

With the aforesaid observation and direction, this writ petition stands disposed of.

(Ashutosh Kumar, J.)

(Anjani Kumar Sharan, J.)

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