

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18375 of 2021

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Manish Kumar, Son of Late Umesh Singh, Resident of Village-Karjani, Police Station-Atri, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Old Secretariat Patna.
2. The Chairman Cum District Magistrate, District Selection Committee, Gaya, District -Gaya.
3. The Sub-Divisional Officer, Nimchak Bathani, At-Khizarsarai, District-Gaya.
4. The Block Supply Officer, Block- Atri, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vikram Singh, Advocate
For the Respondent/s	:	Mr.S. Raza Ahmad (AAG5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 29-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

- (i) For issuance of appropriate writ/order/direction commanding the Respondents to pass appropriate orders after inquiry on the Representation filed by the petitioner on 14.07.2021 under section 10 of the Bihar Targeted Public Distribution System (Control) Order-2016 referred herein after as Act-2016 on compassionate ground after quashing contained in Memo No. 913 dated 17.06.2020 which has been passed by the Respondent No. 3 during the COVID-19 period as well as during the illness of the father of the petitioner having all the symptoms of CORONA, who lastly died due to

kidney failure on 23.02.2021 after prolong illness since April 2020.

(ii) For, issuance of appropriate writ/order/direction commanding the Respondents by quashing the order contained in Memo No. 913 dated 17.06.2020 whereby and whereunder License No. 6/16 Old License No. 7/08/43/85 issued/renewed as per Act-2016 has been cancelled by the Respondent No.3 during the illness of the father of the petitioner who was under treatment since April 2020 died on 23.02.2021 at the age of 58 years without giving any opportunity of hearing to the father of the petitioner.

(iii) For issuance of appropriate writ/order/direction commanding the Respondents to stay there land for recovery of amount against the value of the food grains purported to have been kept/left in the shop of the petitioner's father fully descried in the letter no. 1650 dated 02.08.2020 issued by the Respondent No.3.

(iv) Any relief/reliefs as your Lordship may deem fit and proper in the facts and circumstances of the case.

Petitioner has approached this Court without exhausting the statutory remedy of appeal as provided under Clause 32 of Bihar Targeted Public Distribution System (Control) Order, 2016 against the order by which his application for grant of PDS licence on compassionate ground has been rejected.

Petitioner is granted liberty to avail the remedy of appeal against the impugned order by which his application for grant of PDS licence on compassionate ground has been rejected by the District Selection Committee before the Divisional Commissioner, Gaya and if any such appeal is filed within 4 weeks then appellate authority shall condone the delay

in filing the appeal and shall decide the appeal on its own merit preferably within 8 weeks from the date of its filing.

With aforesaid direction, the writ petition stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	