

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19398 of 2021

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Kamlesh Kumar Son of Late Surya Dev Chaudhary @ Surya Dev Singh
Resident of Village- Maripur, Police Station Phulwaria, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Joint Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The District Magistrate cum Chairman, Compassionate Appointment Committee, Gopalganj.
4. The District Supply Officer, Gopalganj.
5. The Sub Divisional Officer, Gopalganj.
6. The Sub Divisional Officer, Hathwa, Gopalganj.
7. The District Co-operative Officer, Gopalganj.
8. The District Project Officer, Gopalganj.
9. The District Accountant Officer, Gopalganj.
10. The Block Supply Officer, Phulwariya, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pritish Ranjan
For the Respondent/s : Mr. Alok Ranjan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

7 22-09-2022 Heard Mr. Pritish Ranjan, the learned counsel for

the petitioner and Mr. Alok Ranjan, the learned counsel for

the State.

The claim of the petitioner for being granted PDS

license on compassionate ground has been rejected by the



District Selection Committee on the ground of the petitioner not having the desired qualification.

The contention of the petitioner is that there was no requirement of an applicant being a matriculate in the earlier Control order which was in existence at the time of the demise of his father, who was a licensee.

The learned counsel for the State, however, has submitted that any grant of license under the Bihar Targeted Public Distribution System (Control) Order, 2016 is a new license and, therefore, all the requirements under the Control Order of 2016 has to be fulfilled before any candidate could stake his claim.

Be that as it may, considering the fact that the District Magistrate, who is part of District Selection Committee has rejected the complaint of the petitioner and 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, we deem it



appropriate to direct that in the event of the petitioner making a suitable representation / complaint before the concerned Divisional Commissioner within a period of 30 days, he shall look into the matter and after hearing the petitioner, shall pass a final order within a further period of 60 days, giving reasons in support of the decision taken by him.

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

The writ petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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(Jitendra Kumar, J)

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