

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13797 of 2018

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Chandan Kumar S/o Sri Upendra Singh Resident of Village Basiyawa, P.S.
Pipra, P.O. Kalyanpur, Panchayat-Kalyanpur, Block- Punpun, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Food and Civil Supply Bihar, Patna.
2. The District Magistrate, Patna
3. The Additional District Magistrate Supply Department, Patna
4. The Sub Divisional Officer, Masaurhi, Under District- Patna.
5. The Block Supply Officer, Punpun under District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar
For the Respondent/s : Mr. Arvind Ujjwal

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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 : 03-08-2022

Heard Mr. Abhay Kumar, learned Advocate for the
petitioner and Mr. Upendra Pratap Singh, for the State.

The petitioner is aggrieved by the order dated
28.04.2018, passed by the District Magistrate, Patna, whereby the
request made on behalf of the petitioner for grant of license under
the Public Distribution System has been rejected.

It appears that the petitioner had applied for grant of
license in the year 2004 when he was not found to be a major.



Nonetheless, without verifying the aforesaid fact, his name was recommended for being considered for grant of license but no license was granted to him. This led the petitioner to approach this Court, whereafter, this Court passed an order directing the District Magistrate, Patna to consider and dispose of the petitioner's representation which was filed on 12.10.2012 with a reasoned order.

Pursuant to the aforesaid direction passed by this Court, the District Magistrate verified the records and found that the application by the petitioner was made in the year 2004 when the Control Order of 2001 was in existence. Since the petitioner was not found to be a major but was found to be less than 18 years of age, license was not granted to him. Another fact came to the fore on further verification that the father of the petitioner was already a licensee since 2002. No document was produced by the petitioner to indicate that the petitioner had been residing separately from his father or that he had no connection with the family for grant of license to him.

Since new Control Order of 2016 has come into existence, all earlier correspondences are of no use.



The District Magistrate has rightly observed that the petitioner has not made out any case for being granted P.D.S. license.

We do not find any reason to differ or interfere with the order of the District Magistrate.

The petition has no merits and is, thus, dismissed.

However, in case of any vacancy and the petitioner applying against the same under the new Control Order, his candidature shall be verified and shall be considered, notwithstanding the fact that earlier application of his under the existing Control Order of 2001 was not taken to any logical conclusion.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

skm/ashishkr/-

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