

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21126 of 2019

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Kiran Kumari W/o Nageena Kumar Ray Resident of Village- Fatehpur, P.s.-
Patori, Distt.- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna
2. The Principal Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna
3. The District Magistrate cum Chairman of District Public Distribution System Compassionate Selection Committee, Samastipur
4. The Sub Divisional Officer Patori

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha
For the Respondent/s : Mr. S. Raza Ahmad (AAG5)

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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 : 28-09-2022

1. Heard Mr. Prince Kumar Mishra, learned counsel for the petitioner and Mr. Alok Ranjan, for the State.

2. The petitioner was granted PDS licence on compassionate ground in the year 2013. At that time, a different Control Order was in existence. In the year 2019, on the complaint of somebody before the Public Grievance Redressal Cell that the petitioner was wrongly granted licence on compassionate ground as at the time of death of the father of the



petitioner, one of the brothers of the petitioner was in Government service, dis-entitling the petitioner from being considered for grant of licence on compassionate ground. The District Selection Committee on such complaint referred to by the Public Grievance Redressal Cell has recommended for cancellation of licence of the petitioner.

3. Hence, this petition.

4. The afore-noted recommendation of the District Selection Committee was carried out by the Licensing Authority.

5. The learned counsel for the petitioner has assailed the decision of the District Selection Committee as also the order of the Licensing Authority canceling the licence of the petitioner on several counts, more particularly for the reason that the action was initiated against the petitioner under a forum, which is not applicable to the petitioner or any other licensee in view of a composite scheme under the Bihar Targeted Public Distribution System (Control) Order, 2016.

6. It has also been urged on behalf of the petitioner that at the time when the licence was granted to her, the existing Control Order did not preclude any person from being considered



for grant of such licence on the ground of any relative being in Government Service.

7. Be that as it may, even if it is argued on behalf of the State that every licence under the new Control Order is a new licence, the authorities had chosen to renew the licence of the petitioner on his or her applying for the same and furnishing the requisite fee for such renewal.

8. Taking into account the afore-noted objections and also in view of the notification dated 21.07.2022, we deem it appropriate under the facts of this case to set aside the order passed by the Licensing Authority and direct that in the event of the petitioner making a suitable complaint/representation before the Divisional Commissioner within a period of 30 days, he shall look into the matter and after hearing all the stakeholders, shall pass a final order within a further period of 90 days, giving reasons in support of the decision taken by him.

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

10. The application stands allowed.



11. In the meantime, if no licence has been granted to any person in place of the petitioner, the petitioner shall be allowed to continue as the licensee.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

SKM/uttam/-

AFR/NAFR	NAFR
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