

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3269 of 2023

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Randhir Kumar Son of Late Baidhnath Manjhi Resident of Village-
Bhagwanpur, Panchayat- Mahamadpur, Mahamda, District- West Muzaffarpur
... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Sub Divisional Officer, West Muzaffarpur.
4. The Block Supply Officer, Motipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv. Ms. Diksha Kumari, Adv. Mr. Kumar Rajdeep, Adv. Mr. Arvind Kumar, Adv.
For the Respondent/s	:	Mr.S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY

ORAL JUDGMENT

Date : 11-07-2023

The present writ petition is filed for following reliefs:-

- "i. For issuance of a writ in the Nature of Certiorari for setting aside order dated 18.01.2022 passed the Sub Divisional officer, West Muzaffarpur whereby and where under the application filed by the petitioner for appointment of P.D.S. dealer on compassionate ground due to premature death of his father which has been rejected on the ground that application for the grant of appointment on compassionate ground is time barred.*
- ii. For holding and declaring that Order dated 18.01.2022 passed by the Sub Divisional*



Officer, West Muzaffarpur is liable to be set-aside as same has been passed in violation of principles of Natural Justice, in as much as the order has been passed without considering the facts and circumstances of the case.

iii. For issuance of any other relief or relief(s) for which the petitioner is entitled for."

2. It is the case of the petitioner that the father of the petitioner was licensed PDS dealer and he died due to illness on 19.10.2017 at the age of 43 years.

3. Learned counsel for the petitioner has stated that the petitioner being the eldest son in the family has applied for allotment of the PDS license under compassionate appointment.

4. Further, the learned counsel has stated that the only reason for rejecting the case of the petitioner is that the petitioner has not submitted the application within a period of two years from the date of death of his father.

5. Learned counsel for the petitioner has also stated that the petitioner was not aware about the filing of the application within a period of two years from the date of death of his father. The petitioner has applied for the same as soon as he came to know about the scheme for appointment on compassionate ground. Further, it is stated that the entire country was going through the COVID-19 Pandemic situation and therefore the delay, if any, was not intentional and only due to the circumstances prevailing throughout the country.



6. A perusal of the impugned order shows that the application of the petitioner for appointment on compassionate ground was rejected on the sole ground that the petitioner has not applied within the time prescribed i.e. two years from the date of death of his father.

7. Admittedly in the present case, the family of the deceased PDS license holder was going through the trauma of losing a family member at a young age of 43 years and it would be foolhardy to think that the members of the bereaved family would take necessary steps to apply for compassionate appointment within the stipulated time. Moreover, by the time the petitioner realized that he can apply under the compassionate appointment, the country was already going through the COVID-19 Pandemic situation and the entire country was under lockdown and there was no way that the petitioner could have applied for the compassionate appointment within the stipulated time. Even if there is any minor delay in applying for the same, the authorities duly taking into account the situation in the bereaved family as well as COVID-19 Pandemic situation ought to have taken a sympathetic view and passed orders accordingly.

8. So far as the compassionate appointments are concerned, there cannot be a straitjacket formula and the authorities concerned should pass orders duly taking into account the totality of the circumstances prevailing and also the



hardships that the family of the bereaved person will be undergoing due to the death of the family member.

9. Having regard to the facts and circumstances of this case, the impugned order is set aside and the matter is remanded back to the authorities concerned for passing necessary orders on the application of the petitioner for appointment as PDS license on compassionate appointment. The authorities concerned shall take into account the observations made by this Court and pass necessary orders accordingly strictly as per the eligibility criteria. It is needless to mention that before passing any order, the petitioner shall be granted an opportunity of hearing. The entire exercise shall be completed as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of the copy of this order.

(A. Abhishek Reddy , J)

gauravkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.07.2023
Transmission Date	N/A

