

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15626 of 2022**

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Baliram Kumar Son of Late Rama Shankar Paswan, Resident of Village-  
Amartha, P.O. Gachhin, P.S. Karakat, District- Rohtas at Sasaram  
... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Food and Civil Supply  
Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Bihar, Patna.
3. The District Magistrate-cum-Collector, Rohtas at Sasaram.
4. The Sub-Divisional Officer, Bikramganj, District Rohtas at Sasaram.
5. The Block Supply Officer, Karakat, District Rohtas at Sasaram.
6. The Block Education Officer, Karakat, District Rohtas at Sasaram.

... Respondents

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**Appearance :**

For the Petitioner : Mr. Shekhar Kumar Singh, Adv.  
For the Respondents : Mr. Arvind Ujjwal, SC IV

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**CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY**  
**ORAL ORDER**

9      23-04-2024                      Heard the parties.

2. The present writ petition has been filed for the  
following relief(s) :

*i. For issuance of writ/writs, order/orders,  
direction/directions in the nature of certiorari for  
quashing the impugned letter no.657 dt. 11.8.2022  
issued by the District Magistrate -cum -Chairman of  
District level Public Distribution System (P.D.S.)  
Committee by which said committee has rejected the  
claim of the petitioner for grant the P.D.S. Licenses  
on the basis of compassionate ground.*

*ii. For further prayed for quashing the impugned  
letter no.657 dated 11.8.2022 issued by the P.D.S.  
District level selection committee, Rohtas (Sasaram)*



*and has taken the decision rejected the prayer of the petitioner for grant the licenses of P.D.S. and not transfer the licenses, bearing licenses no.16/2007 in the name of petitioner, which was earlier granted by the licensing authority namely S.D.O. Bikramganj, District Rohtas in the name of petitioner's father namely Late Rama Shankar Ram, son of late Nathuni Ram under Gram Panchayat Amaritha, Block Karakat, District Rohtas.*

*iii. For further prayed for direction upon the Respondents to immediately grant the P.D.S. Licenses in the name of the petitioner because the petitioner's father late Rama Shankar Ram was the P.D.S. dealer of under gram Panchayat Amaritha, under Block Karakat, Sub Division, Bikramganj District Rohtas by which the licensing authority was granted the licenses in he name of petitioner's father, late Rama Shankar Ram, bearing licenses no.16/2007 but after death of the P.D.S. dealer, Late Rama Shankar Ram, who died on 24.3.2021 accordingly the petitioner was apply for licenses on 20.7.2021 and praying for grant the license in the name of the petitioner because the petitioner has fulfill all the term and condition to this effect the entire educational qualification certificate residential certificate character certificate as well as Affidavit sworn by the family members and recommended the name of the petitioner for grant the license but the District level selection committee has rejected the claim of the petitioner.*

*iv. For further prayed during the pendency of the writ*



*petition seeking directing the respondents no to grant the licences, to any other persons during the pendency of the writ petition, because the petitioner is the bonafide candidate deserving for grant the licences of P.D.S.*

*v. For further any other relief/reliefs, order/ orders, direction/directions, may deem fit and proper in the facts and circumstances of this case.*

3. It is a case of the petitioner that the father of the petitioner was appointed as a PDS dealer in the year 2007 bearing license no. 16 of 2007. That the father of the petitioner has died on 24.03.2021 and during the life time of his father there were no complaints or any proceedings against his father for violation of any of the provisions of the Control Order. That after the death of his father, the petitioner has applied to the authority concerned for considering his application under the compassionate grounds. However, the authorities on the basis of some anonymous letter have rejected the application on the ground that the age of the father was wrongly recorded. Learned counsel has stated that the petitioner has submitted all the necessary documents showing the correct date of birth of the father of the petitioner. More over, the license of the father of the petitioner was in subsistence for a period of almost 16 years



and after the death of the father of the petitioner, the authorities cannot make roving enquiry with regard to the veracity of the date of birth of his late father. Learned counsel has stated that the authorities did not take into consideration the documents submitted by the petitioner and rejected the application on surmises and conjunctures.

4. In the counter affidavit filed by the respondents it is stated by the authorities that the rejection of the application of the petitioner was on the ground that at the time of the death of his father his age was more than 58 years and as per the relevant Rule of the Bihar Targeted Public Distribution System (Control) Order, 2016, to consider the application for compassionate appointment the age of the PDS dealer should be less than 58 years. Even though in the counter affidavit it is stated that the School Transfer Certificate was produced by the petitioner, the same was not taken into consideration as the Block Education Officer has not verified the same and submitted his report. Further, it is stated in the counter affidavit that the Headmaster of the school from where the School Transfer Certificate is issued had stated that except the School Transfer Certificate there was no other evidence available in the school. In the impugned order except the above ground no other ground is



taken by the authorities to reject the application made by the petitioner.

5. Admittedly, in the present case the father of the petitioner was given PDS license way back in the year 2007 and he continued to be a PDS dealer till his death, i.e., 24.03.2021. It is to be noted that during the entire life time of the father of the petitioner there was no issue raised by the authorities concerning his date of birth, but, only on the basis of some anonymous letter received by the authorities a doubt was raised over the date of birth of the father of the petitioner who has admittedly died by then. Further, it is pertinent to note that the Headmaster of the school who has issued the School Transfer Certificate has not stated that there was any over-writing in the school record or that the entries which were made in the original school register have been tampered with or not. Once the School Transfer Certificate is issued showing the date of birth of the father of the petitioner as 18.12.1971 the same has to be taken as a concrete proof of the date of birth and the same cannot be doubted unless and until there is any contrary evidence. In this case there is absolutely no evidence to show that the date of birth of the father of the petitioner is not 18.12.1971 and going by the the said date of birth, the age of the



father of the petitioner is less than 58 years at the time of his death. The stand taken by the authorities for rejecting the application of the petitioner is not only misconceived, but, the same is contrary to the evidence on record. The application of the petitioner cannot be simply rejected on the ground of suspicion without their being any documentary proof.

6. Having regard to the above mentioned facts and circumstances the impugned letter no. 657, dated 11.08.2022, is set aside. The authorities are directed to consider the application of the petitioner for grant of PDS dealership on compassionate ground duly taking into consideration the date of birth of the father of the petitioner as 18.12.1971 and pass order accordingly for appointing him as a PDS dealer. The authority shall issue necessary orders as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition stands **allowed** to the extent indicated.

**(A. Abhishek Reddy , J)**

Shamshad/-

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