

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14497 of 2017**

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Gyanti Devi Wife of late Prabhunath Sah Resident of Village Panchayat Raj  
Pyarepur, Block- Baikunthpur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Supply Officer, Gopalganj.
3. The Sub Divisional Officer, Gopalganj.
4. The District Cooperative officer, Gopalganj.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Jeetendra Narayan  
For the Respondent/s : Mr. Arvind Ujjwal -Sc4

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 9      10-11-2025      1. The petitioner has filed the present writ application for quashing the order, dated 04.06.2015, issued under the signature of District Supply Officer, Gopalganj, whereby the claim of the petitioner for grant of license of P.D.S. Dealership on compassionate ground has been rejected.
2. Learned Counsel for the petitioner submits that the husband of the petitioner, namely, Prabhunath Sah, was issued a license of P.D.S. Dealership, vide License No. 88 of 2007 on 09.05.2007 in the village Pyarepur, Baikunthpur, in the district of Gopalganj. In the year 2010, certain charges were levelled against the husband

of the petitioner for not running the P.D.S. Dealership in proper manner, for which the license of P.D.S. Dealership of the petitioner's husband was cancelled, vide order, issued under Memo No. 5420, dated 27.08.2010, by the licensing authority, i.e. the Sub Divisional Officer, Gopalganj.

3. Aggrieved by the order of cancellation, the petitioner's husband preferred an appeal before the Collector, Gopalganj, bearing Appeal Case No. 56 of 2010 and the said appeal was also dismissed by the Collector, Gopalganj, vide order, dated 19.09.2011.
4. The petitioner's husband thereafter filed a revision before the Commissioner, Saran Division, Chapra, vide Revision Case No. 18 of 2012. The revisional authority, after taking into consideration the claim of the petitioner's husband, remanded the matter back to the licensing authority vide order, dated 20.02.2013.
5. Learned Counsel for the petitioner submits that from perusal of the order, dated 20.02.2013 passed by the Commissioner, it would be apparent that the Commissioner, after duly appreciating the stand of the petitioner's husband, remanded the matter back to the

licensing authority.

6. During the pendency of the case before the licensing authority, the petitioner's husband died on 16.08.2013. After the death of the petitioner's husband, the petitioner submitted an application form, dated 21.11.2013, before the Sub Divisional Officer, Gopalganj, for grant of license of P.D.S. Dealership on compassionate ground as applicable under the Control Order. The case of the petitioner was that she became widow having no issue, as such, the Dealership would have granted some support to the petitioner.
7. The Sub Divisional Officer, Gopalganj, sought a report from the Block Supply Officer, Baikunthpur, upon the request of the petitioner for grant of license of P.D.S. Dealership on compassionate ground and the Block Supply Officer reported and recommended for grant of license of P.D.S. Dealership to the petitioner on compassionate ground.
8. On 03.09.2014, the Committee of selection on compassionate ground, in its agenda no. 7, passed a resolution to call for the report from the licensing authority regarding the development, which has taken

place after remand of the matter before the licensing authority by the Commissioner. In pursuance thereof, the licensing authority, by its order, dated 18.12.2014/ 19.12.2014, communicated to the District Magistrate, Gopalganj, the entire fact, including the fact that in the light of the order passed by the Commissioner, Saran Division, Chapra, the license of the husband of the petitioner (now dead) can be treated as free from cancellation.

9. Learned Counsel next submits that the Committee for selection on compassionate ground rejected the claim of the petitioner, vide resolution, dated 30.05.2015, on the ground that after the death of the husband of the petitioner, the license has not been issued/restored by the competent authority.
10. On the other hand, learned Counsel for the respondents vehemently opposes the prayer of the petitioner for grant of license of P.D.S. Dealership on the ground that at the time of death of the petitioner's husband, his license was not valid due to cancellation order having not been set aside and the petitioner did not substitute herself before the licensing authority after the death of her husband in

order to pursue the case filed by the petitioner's husband, challenging the order of cancellation of his license of P.D.S. Dealership. He further submits that the licensing authority, without passing any order on merit, has communicated to the Collector, Gopalganj, stating that the license of the petitioner's husband can be treated as valid after the death of the petitioner's husband.

11. I have heard learned Counsel for the parties concerned and have gone through the materials available on record.

12. It appears that the petitioner, after the death of her husband, filed an application for grant of license of P.D.S. Dealership on compassionate ground within time. It is not disputed that the Commissioner remanded the matter back to the licensing authority for passing a fresh order upon the cancellation of the license of the petitioner's husband of P.D.S. Dealership. If the remand has been made by the Commissioner, the original order of the licensing authority of cancellation is deemed to have been set aside if it has not expressly been set aside by the superior authority. Therefore, as on death of the petitioner's husband, the matter remained pending and no final decision was taken on the cancellation of the license of

the petitioner's husband. Pursuant to the resolution of the Committee for selection on compassionate ground, dated 03.09.2014, the licensing authority communicated his view to the Collector, Gopalganj, that the license of the petitioner's husband can be treated as valid and free from cancellation. The Committee, in its meeting dated 30.05.2015, passed a resolution under agenda no. 5, to reject the claim of the petitioner for grant of license of P.D.S. Dealership on compassionate ground merely because after the death of the petitioner's husband, the license was not validly issued in her favour.

13. Considering the aforesaid discussion, in my opinion, the selection committee did not consider the fact that the licensing authority duly communicated to the District Magistrate, Gopalganj, who is the Chairman of the Committee, upon query made by the Committee that the cancellation of license of the petitioner's husband can be treated as restored and free from cancellation. As such, the rejection of the claim of the petitioner for grant of license of P.D.S. Dealership on compassionate ground on the ground that the license of the petitioner's husband was not restored/valid after his death is unreasonable and

arbitrary.

14. In the circumstances, the resolution taken by the Committee, in its meeting, dated 30.05.2015, concerning the petitioner, is set aside. The Selection Committee is directed to reconsider the claim of the petitioner for grant of license of P.D.S. Dealership on compassionate ground after considering the order of the licensing authority, dated 18.12.2014/19.12.2014, subject to availability of the P.D.S. Dealership in the locality within a period of three months from the date of receipt/production of a copy of this order.
15. With the aforesaid observation and direction, this writ application is allowed.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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