

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2725 of 2025

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Munna Ansari, Son of Late Md. Adalat Husain @ Md.d Adalat Hussain,
Resident of Village- Hathra Gothani, P.O.- Balha, P.S. and Block-
Kusheshwar Asthan, District- Darbhanga, Pin Code- 848213.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. Additional Secretary, Food and Consumer Protection Department, Bihar, Patna.
3. The Collector cum Chairman the District Level Selection Committee, Darbhanga.
4. The District Supply Officer, Darbhanga.
5. The Licensing Authority cum Sub-Divisional Officer, Biraul, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary
For the Respondent/s : Mr. Government Pleader (20)

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

5 14-10-2025 Heard the learned counsel for the parties.

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

*“i. For issuance of appropriate writ(s)/
Rule(s)/Direction (s) in the nature of mandamus,
commanding the concerned respondent concerned for
issuance of PDS License to the petitioner on
compassionate ground for Gram Panchayat Raj Gothani,
Kusheshwar Asthan, as per provision stated under rule
-10 & 11 of the Bihar Targeted Public Distribution
System (Control) Order, 2016.*

*ii. For quashing the order contained in
Memo No. 11/Mu/Supply dated 11.12.2024 passed by the
District Level Selection Committee presided over by the
Collector, Darbhanga, on 11.12.2024, by which the claim
of petitioner for issuance of PDS License, under Gram
Panchayat Raj, Gothani, Kusheshwar Asthan, on
compassionate ground have been rejected on erroneous*



consideration.

iii. For grant of all other relief(s) to which the petitioner may found entitled, on the facts and circumstances of the case.”

3. It is the case of the petitioner that the father of the petitioner was appointed as a PDS dealer in the year 2016 and, thereafter, the father of the petitioner died on 27.07.2019. That as the petitioner was having the necessary eligibility, the petitioner has made an application under the compassionate appointment within the prescribed time. However, the authority solely on the ground that the age of his father in the online portal of Aadhar is being reflected between 70 and 80 years has rejected the application of the petitioner.

4. Learned counsel for the petitioner has submitted that at the time of death of the father of the petitioner his age was only 55.5 years. That the authority without considering the report of the Sub-Divisional Officer bearing Memo No. 1507 dated 03.11.2023 has rejected the application made by the petitioner in a mechanical manner. Learned counsel has drawn the attention of this Court to the report of the Sub-Divisional Officer dated 03.11.2023 bearing No. 1507 to buttress his case. Learned counsel has submitted that the Sub-Divisional Officer duly taking into account the various certificates before him has come to the conclusion that the age of the father of the petitioner



at the time of death was only 55.5 years. Learned counsel has therefore, prayed this Hon'ble Court to allow the present writ petition by setting aside the impugned order dated 11.12.2024 and direct the respondents to consider the case of the petitioner afresh duly taking into consideration the documents submitted by the petitioner and also the report of the Sub-Divisional Officer dated 03.11.2023.

5. *Per contra*, the learned counsel appearing on behalf of the respondent-State has vehemently opposed the very maintainability of the present writ petition. Learned counsel has submitted that the authority duly taking into consideration the age of the father of the petitioner as between 70 and 80 years has rejected the case of the petitioner. Learned counsel has stated that as per the provisions of the Control Order, 2016, more specifically, Rule 10, the age of the PDS dealer should not be more than 58 years but in this particular case, the online ceiling of the Aadhar portal reveals that the age of the father of the petitioner is between 70 and 80 years. Learned counsel has submitted that the authority has rightly rejected the case of the petitioner. Learned counsel has therefore, prayed this Hon'ble Court to dismiss the present writ petition.

6. As seen from the record, the father of the petitioner



was granted the PDS license in the year 2016 and he has subsequently died on 27.07.2019. As per the Aadhar card submitted by the petitioner, the date of birth of the father of the petitioner is 22.02.1964 in Aadhar Card No. 933080877542 which roughly translates into 55.5 years at the time of his death. However, the authority without considering the report of the Sub-Divisional Officer dated 03.11.2023 and also the Aadhar Card submitted by the petitioner has come to the conclusion that the age of the father of the petitioner in the online portal is between the year 70 and 80. The report of the Sub-Divisional Officer dated 03.11.2023 makes it abundantly clear that the age of the father of the petitioner is 55.5 years at the time of his death. The Sub-Divisional Officer has gone through the entire records i.e., Qualification, Aadhar Card, Death Certificate and Voter ID and has come to the conclusion that at the time of death of the father of the petitioner his age is 55.5 years. However, the respondent No. 3 has rejected the application made by the petitioner solely on the ground that the online ceiling of the Aadhar portal shows the age of the father as between 70 and 80 years. It is not understandable how the respondent No. 3 can rely on the online portal of the Aadhar when the Aadhar Card furnished by the petitioner reveals the



date of birth of the father of the petitioner as 22.02.1964. Further, it is pertinent to note that the father of the petitioner has been granted the PDS license in the year 2016 and he has died within three years from the same. Even for the sake of argument if the contention of the respondent No. 3 that the online portal of the Aadhar shows the age of the father of the petitioner between 70 and 80 years is taken into consideration, the fact remains that the father was aged approximately 77 years at the time of granting of the PDS license which appears to be improbable.

7. Having regard to the above, this Court has no hesitation to set aside the impugned order dated 11.12.2024 and remand the matter back to the authority (i.e., the respondent No. 3 herein) for passing orders afresh duly taking into consideration the report submitted by the Sub-Divisional Officer dated 07.11.2023 and any other document that the petitioner furnishes before him. The authority is directed not to take into consideration the age of the father reflected in the online portal of Aadhar, the authority shall endeavor to pass necessary orders on the application of the petitioner for compassionate appointment as expeditiously as possible preferably within a period of twelve weeks from the date of receipt of a copy of this order. It is needless to mention that the before passing any



orders, the petitioner shall be given an opportunity of hearing.

8. With the above direction, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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