

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14262 of 2018

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Guria Devi W/o Manoj Kumar Basant, R/o Donawa Panchayat, Sakra, P.S.-
Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Muzaffarpur.
3. The S.D.O. East, Muzaffarpur.
4. The District Supply Officer, Muzaffarpur.
5. The Block Supply Officer, Sakra, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sri Niwas Jha
For the Respondent/s : Mr. Arvind Ujjwal-Sc4

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

- 3 07-07-2025 1. The Writ petition is filed to direct the respondents to grant PDS Dealership to the petitioner on compassionate ground under the provisions of PDS (Control) Order 2001. The petitioner applied before the concerned authorities for the grant of a PDS License on compassionate ground, due to the death of her Father-in-Law, Late Krishnanand Singh who was a PDS Dealer until his death on 20.03.2015. The petitioner has obtained No Objection Certificate from her husband, all other sons and daughter-in-law of Late



Krishnanand Singh and applied for PDS Dealership on compassionate grounds. Further, the Block Supply Officer, Sakra, Muzaffarpur conducted an inquiry and submitted a report to the Sub Divisional Officer, East, Muzaffarpur. The Letter No. 49 dated 06.05.2015 contains a recommendation in favour of the petitioner for the grant of PDS License. Pursuant to the report of Block Supply Officer, Sakra, the application was forwarded to the District Level Selection Committee. The Committee meeting was held on 30.05.2015 where the petitioner was asked to submit all the relevant documents including the death certificate of Late Krishnanand Singh, vide letter No. 706 dated 01.9.2015 issued by the Sub-Divisional Officer, East, Muzaffarpur. Accordingly, the petitioner submitted all the documents vide memo No. 268 dated 28.1.2016 and her name was included at serial no. 3, for grant of P.D.S. shop on compassionate ground. This Court vide order dated 18.2.2016 passed in CWJC No. 4453/2016 passed an interim order staying the issuance of fresh



Dealership across the State and the said stay was vacated vide order dated 14.12.2016. Thereafter, the petitioner filed a detailed representation on 14.06.2018. However the said representation remained pending and she was not considered for the PDS Dealership on compassionate grounds for which she was constrained to file present Writ petition.

2. Heard the Learned counsel for the petitioner as well as Learned counsel for the Respondents.

3. Rule 10 of the Bihar Targetted PDS Control Order, 2016, deals with the grant of Fair Price Licenses on compassionate ground which reads as follows:-

“10. A fair price shop license on Compassionate Ground.

In case of death of a fair price shop's licensee under the age of 58 (fifty eight) years, his shop may be allotted in order of priority to his/her wife/husband, son, unmarried daughter, daughter-in-law, and widow of his son. If there are out of



these more than one dependent, all the other are required to forsake their claim in favour of one through an affidavit. The application in this regard shall be entertained, if submitted within two years from the date of death of the licensee by his dependent. If granted, such a fair price shop license shall be a new license, and it shall be permissible for further compassionate ground license, but if any member of the family of the deceased licensee is a government servant or holds a post of profit in the government, such a family shall not get benefit of compassionate ground.

4. It is specific contention of the Learned counsel for the respondent that due to lack of required education qualification, the petitioner case could not be considered for appointment on compassionate grounds

5. However, for appointment as a PDS dealer the minimum qualification is matriculation. Admittedly, the petitioner do not have any such qualification as on the date of application or



thereafter. Therefore, the petitioner was not selected for PDS Dealership.

6. This Court is of the view that there is no irregularity, in non-consideration of petitioner application as she do not possess the minimum educational qualification as prescribed under PDS order.

7. In view of the above, the Writ petition stands dismissed as it is devoid of merit.

(G. Anupama Chakravarthy, J)

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