

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7586 of 2019

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Sunil Kumar Yadav Son of Khushilal Yadav Resident of Village- Rahikpur,
P.S. and District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Chairman-cum-District Magistrate, District Selection Committee, Araria, District- Araria.
3. The Sub-Divisional Officer, Araria, District- Araria.
4. The Block Supply Offices, Araria, District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 16-09-2025

1. The Writ petition is filed to quash the order of the Sub-Divisional Officer, Araria vide Memo No. 296 dated 20.12.2007 whereby and whereunder P.D.S. license bearing No. 38A/06 which is on the name of the petitioner's wife has been cancelled. Further to direct the respondents to consider the name of the petitioner and to issue P.D.S. license on compassionate ground.

2. The brief facts culled out of the Writ petition are that late Kiran Devi is the wife of the



petitioner who had valid license bearing No. 38A/06. The respondents have suddenly cancelled the license of the petitioner's wife vide Memo No. 296 dated 20.12.2007. Against the cancellation the petitioner's wife preferred an appeal before the Collector, Araria vide Appeal Case No. 125/2007-08. The Learned Collector vide order dated 12.02.2008 was pleased to remand back the case to the Sub Divisional Officer to pass appropriate orders.

3. It is specific contention of the Learned counsel for the petitioner that the order of the appellate authority only disclose that the matter is remanded back to the Sub Divisional Officer for passing appropriate order, but the initial order passed by the Sub Divisional Officer was not set aside. It is also brought to the notice of this Court that during pendency of the appeal, the wife of the petitioner i.e. Kiran Devi died on 25.05.2014 and the Sub Divisional Officer has not passed any order subsequent to it. Therefore, prayed to grant license to the petitioner, on compassionate ground.



4. On the other hand, the Learned counsel for the respondents contended that the petitioner may file appropriate application for compassionate appointment before the Sub Divisional Officer, Araria and directions may also be given to Sub Divisional Officer, Araria to pass appropriate order as the appeal was remitted back to the Sub Divisional Officer, by the District Collector.

5. Taking into consideration the rival submissions of both the parties and the record available, this Court is of the considered opinion that the petitioner shall make appropriate representation before the Sub Divisional Officer, Araria within four weeks from the date of receipt of this order along with copy of this order. In turn, the Sub Divisional Officer, Araria shall pass appropriate order within four months, from the date of filing of such application.

6. It is needless to say that the Sub Division Officer, Araria shall give a fair opportunity of hearing to the petitioner before passing any such order.



7. With the above said observation, the Writ petition shall stand disposed of.
8. Interlocutory Application(s), if any, shall also disposed of.

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
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