

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10701 of 2023

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Sajan Kumar, Son of Late Kamleshwari Bhagat, Resident of Village-Mainma,
Ward No. -02, P.S.-Rupauli, District-Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate Purnea.
3. The District Supply Officer, Purnea.
4. The Sub-Divisional Officer, Dhamdaha, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Ojha, Advocate.

For the Respondent/s : Mr. S. Raza Ahmad (AAG 5)

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

7 27-03-2025 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the
following reliefs:-

“(i) For quashing of the order dated 22.06.2018 as contained in Memo No. 245 issued by under the signature of the Sub-Divisional Officer, Dhamdaha were by and where under the PDS shop owned by the father of the petitioner was cancelled citing various omission and commissions on the part of Shop Owner.

(ii) Also for setting aside the order dated 15.12.2020 issued under the signature of Deputy Collector (In-charge)



Purnia in Supply Appeal Case No. 163/2018.”

3. Learned counsel appearing on behalf of the petitioner has stated that the petitioner is a son of a PDS dealer who has died on 10.05.2021 and his father was aged of 52 years at the time of death. Learned counsel for the petitioner has stated that during the life time of his father the license issued to his father was cancelled on some frivolous grounds. Thereafter, the father of the petitioner has preferred a statutory appeal before the District Magistrate, Purnea who vide order dated 15.12.2020 has dismissed the appeal. That even before his father could prefer revision, he had died and therefore the petitioner was constrained to file the present writ petition. Learned counsel has stated that the petitioner may be permitted to file a revision before the appropriate authority, as he has a good chance of succeeding and been considered for compassionate appointment. However, the order of cancellation and the appellate order are coming in the way. Learned counsel has therefore, prayed this Hon'ble Court to set aside the impugned order.

4. 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



stated that the order passed by the Sub-Divisional Officer as well the appellate authority are both well reasoned orders and the petitioner without availing the remedy of filing a revision under Rule 32(vi) of the Bihar Targeted Public Distribution System (Control) Order, 2016 has straightaway approached this Hon'ble Court. Learned counsel has therefore prayed this Hon'ble Court to dismiss the present writ petition.

5. Admittedly, as seen from the record, the appellate authority has passed the order on 15.12.2020 and the father of the petitioner died on 10.05.2021 without filing the revision. Further, as seen from the record the age of the father of the petitioner was only 52 years at the time of his death.

6. Having regard to the same, this Court is of the opinion that the ends of justice would be served if the petitioner is permitted to file a revision before the Divisional Commissioner challenging the order dated 15.12.2020 passed by the appellate authority within a period of four weeks from today. On such revision being filed, the same shall be entertained and necessary orders passed on merits in accordance with law. It is needless to mention that before passing any order the petitioner shall be given an opportunity of hearing. The entire exercise shall be completed as expeditiously as possible



preferably within a period of eight weeks from the date of the filing of the revision from the petitioner. Any order passed shall be communicated to the party.

7. In case the petitioner succeeds in the revision, the petitioner is free to make an application for appointment under the compassionate appointment.

8. With the above observations, the present Writ Petition stands disposed of.

(A. Abhishek Reddy, J)

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