

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12568 of 2025

Nazia Perween W/o Md. Shahnawaz Ahmad, Resident of Mohalla- Shekhana,
Ward No. 11, P.S.- Biharsharif, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The Collector-cum-Chairman, District Level Selection Committee, Nalanda.
4. The District Supply Officer, Nalanda.
5. The Sub-Divisional Officer, Biharsharif, Dist- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjaya Nath Tiwari, Adv.
	:	Mr. Kumar Rajdeep, Adv.
For the Respondent/s	:	Mrs. Anuradha Singh, Standing Counsel (21)

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

2 09-09-2025 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/writs, order/orders, direction in the nature of certiorari for quashing the order dated 22.02.2023 passed by S.D.O Biharsharif cum-Licensing Authority by which the application for grant of PDS license in Ward No.11 Biharsharif quota Unreserved Lady, advertised in terms of Advertisement No. 01/2021, has been rejected on the ground the father of the petitioner namely Md. Baijuddin is a PDS dealer is bad and illegal because the petitioner was married on 01.06.2019 with Md. Shahnawaz Ahmad, Resident of Shekhana, Biharsharif, Nalanda and as such the petitioner does not come under the purview of Rule 11 of Bihar Targeted PDS Control order 2016.

(ii) Further for issuance appropriate



writ/order/direction in the nature of mandamus commanding the respondents especially Respondent No. 2 to issue PDS license in favour of the petitioner.

(iii) For other relief/s for which the petitioner is entitled is in the eye of law.”

3. It is the case of the petitioner that she has applied for a PDS dealership for Ward No. 11, Biharsharif, however, the authorities have rejected the same solely on the ground that the father of the petitioner is already having a PDS license.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is a lady who has married on 01.06.2019 and she is staying separately with her husband at her in-laws place. Learned counsel submits that the reason given by the authority for rejection of her application is without any legal basis and contrary to the provisions of the Bihar Targeted Public Distribution System (Control) Order, 2016, more specifically, Rule 11 of the (Control) Order, 2016. Learned counsel submits that the order of rejection is illegal, bad and contrary to the provisions of the (Control) Order, 2016 and, therefore, liable to be set aside. Learned counsel therefore, prays this Hon'ble Court to allow the present writ petition and consequently direct the official respondents to process the application of the petitioner and pass necessary orders.

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 submits that the authorities have rightly rejected the candidature of the petitioner as her father is already having a PDS license in his name. Learned counsel submits that as per the provisions of the (Control) Order, 2016, more specifically, Rule 11, there is an embargo and one member of the family is already having a PDS license, the other members of the family cannot be granted another license. Learned counsel therefore, prays this Hon'ble Court to dismiss the present writ petition.

6. In order to resolve the issue involved in the present writ petition, it is necessary to extract the relevant portions of the (Control) Order, 2016, more specifically, Rule 11 which reads as under;

“11. Disqualifications of getting a fair price shop license.

(i) No fair price shop license shall be granted to more than one member in a joint family. Father, mother, brother, brother's wife, husband, wife, son, son's wife and step brother shall come in the definition of the family

(ii) A mukhia, a sarpanch, a panch, a ward member, a member of a panchayat samiti, a member of a district board, an MLA, a Member of Legislative Council, a member of Parliament, and an elected member of municipal bodies shall not be eligible for allotment of a fair price shop during his tenure as such capacity.

(iii) An owner of a flour mill and his near relatives shall not be allotted a fair price shop.

(iv) A minor or a lunatic or an insolvent



shall not be allotted a fair price shop.

(v) A person finally convicted by the court under the Essential Commodities Act,1955 or in any other criminal case shall not be allotted a fair price shop.

(vi) A person holding a post of profit in the Government shall not be allotted a fair price shop.”

7. A perusal of the above rule shows that in case a PDS license is issued in favour of the person, the family members i.e., father, mother, brother, brother's wife, husband, wife, son, son's wife and step brother are not entitled for another PDS license. However, it is to be noted that in this particular case, the petitioner is a married lady who has admittedly married on 01.06.2019 and has been living with her husband's family therefore, the contention of the counsel for the respondent-State that her candidature cannot be accepted solely on the ground that her father is having a PDS license is without any legal basis. At the most in case, where the lady was unmarried and living with her father then the authorities could have been right in rejecting her candidature but in this particular case, the petitioner was married in the year 2019 itself.

8. Having regard to the above mentioned facts and circumstances, the impugned order dated 22.02.2023 passed by the Sub-Divisional Officer, Biharsharif is set aside and the authorities are directed to process the application of the



petitioner and pass necessary orders for grant of the PDS license to the petitioner. The authorities shall endeavor to complete the entire exercise as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order.

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

(A. Abhishek Reddy, J)

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