

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13349 of 2024

Vijay Kumar, Son of Late Krishna Mahto, resident of Village- Chamhi, P.O.- Kapur Pakri, Block- Chiraiya, Police Station- Shikarganj, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
3. The District Magistrate, East Champaran at Motihari.
4. The Sub- Divisional Officer, Shikarhama at Dhaka, District- East Champaran.
5. The Block Development Officer, Block- Chiraiya, District- East Champaran.
6. The Block Supply Officer, Block- Chiraiya, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Kumar, Adv.
For the Respondent/s	:	Mr.Standing Counsel (20)
		Mr. Md. Zeeshan Kalim, AC to SC 20

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

4 19-02-2025

Heard learned counsel for the parties.

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

“(I) For issuance of an appropriate order/orders, direction/directions, rule/rules that petitioner approached before learned Divisional Commissioner, Muzaffarpur for filing a Revision Petition under section 32 (6) of the Control Order 2016 challenging Order dated 16.01.2024 passed in C.W.J.C. no. 16009 of 2019 passed by Hon'ble Mr. Justice A. Abhishek Reddy instead of his father because his father died on 26.01.2024 and thereafter petitioner is



legal heir of his father.

(II) For issuance of any other relief/reliefs for which petitioner may be found entitled with the fact and circumstances of the case may be granted.”

3. Learned counsel appearing on behalf of the petitioner has stated that the father of the petitioner was PDS license and the license was cancelled vide order dated 17.06.2015. Thereafter father of the petitioner has preferred an appeal and the same was also dismissed. That the father of the petitioner thereafter filed CWJC No. 16009 of 2019 and this Court vide order dated 16.01.2024 had directed the father of the petitioner to approach the Divisional Commissioner by way of revision. However the father of the petitioner died on 26.01.2024. Learned counsel has stated that the petitioner is none other than son of the deceased father, who was PDS licence holder and therefore, he may be permitted to file a revision before the appropriate authority.

4. Per contra, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the writ petition. Learned counsel has stated that no useful purpose will be served even if the petitioner is given permission to file a revision before the appropriate



authority against the order passed by the District Magistrate in Appeal bearing Case No. 50 of 2014. That the father of the petitioner was aged about 60 years as on the date of death i.e., 26.01.2024. Learned counsel has stated that even for the sake of argument if the revision is allowed by the revisional authority, the petitioner would not be eligible for any compassionate appointment under the Bihar Targeted Public Distribution System (Control) Order, 2016. That as per Rule 10 of the Control Order, in order to be considered for compassionate appointment the age of the PDS dealer should not be more than 58 years as on the date of death.

5. Rule 10 of the Control Order 2016 reads as under:-

“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 dependant, 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.

6. In this particular case, admittedly, the father of the petitioner was died aged about 60 years, therefore, the petitioner will not be eligible for being considered for compassionate appointment.

7. Having regard to the same, this Court does not find any merit in the present writ petition which warrants any interference by this Hon'ble Court. Accordingly, the present writ petition is dismissed.

8. In case the authorities issue any fresh notification for appointment of PDS dealer, the petitioner shall be allowed to participate in the said selection and the same shall be dealt in accordance with law.

(A. Abhishek Reddy , J)

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