

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15306 of 2023

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Shesh Nath Prasad, Son of Late Shivji Sah, Resident of Village- Pakadi
Bishauli, P.O. Amolwa, P.S. Gaunaha, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food Supply
Commerce at Patna.
2. The Collector, West Champaran at Bettiah.
3. The Sub-Divisional Officer, Narkatiyaganj, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kumar Singh, Advocate.
For the Respondent/s : Mr. Arvind Ujjwal (SC 4).

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

6 10-07-2025 Heard learned counsel for the parties.

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

*“(i) To issue a writ of Mandamus
commanding upon the respondents to
consider the grant of license under Public
Distribution System (Control) order, in the
name of petitioner on compassionate
ground since his father Late Shivji Sah,
holder of licence No. 24/2007 died on
02.07.2016 at the age of about 54 years.*

*(ii) To quash the order
respondent No. 3 vide memo No. 13 dated
05.01.2018, rejecting the claim of the
petitioner.*

*(iii) To read down rule 10 of
Bihar targeted public distribution system
(Control) order, 2016.”*

3. Learned counsel appearing on behalf of the



petitioner has stated that the authority without putting the petitioner on any show-cause or granting any opportunity to the petitioner to establish the correct age of his father has simply relied on a show-cause filed earlier and came to the conclusion that at the time of the death of the father of the petitioner, the father of the petitioner was aged 60 years. Learned counsel has stated that, had the authority given him the opportunity the petitioner could have filed necessary documents more particularly School Leaving Certificate (Annexure P/19) which could have shown the date of birth of the father of the petitioner as 05.02.1962. That as on the date of death of his father on 02.07.2016, his father was aged only 54 years. However, the authority without giving any opportunity to the petitioner has passed the impugned order dated 05.01.2018 which is contrary to the provisions of the Act and the law laid down by this Hon'ble Court.

4. Learned counsel appearing on behalf of the respondents has stated that the authority duly taking into consideration the age which was reflected in the show-cause filed earlier has rightly passed the order and the same does not require any interference. Learned counsel has, therefore, prayed this Hon'ble Court to dismiss the present writ petition.



5. As seen from the record more particularly the impugned order dated 05.01.2018 passed, the authority have come to the conclusion that the father of the petitioner was aged 60 years based on the age which was reflected in the show cause filed earlier, the said decision has been taken by the authority without granting any opportunity of hearing to the petitioner or calling for his explanation or asking him to substantiate the age of his father as below 58 years at the time of his death on 02.07.2016. As rightly pointed out by the learned counsel appearing on behalf of the petitioner, had any opportunity be given to the petitioner, he could had filed the School Leaving Certificate which reflects the date of birth of his father as 05.02.1962. On this ground alone the impugned order dated 05.01.2018 is liable to be set aside and the same is set aside. The matter is remanded back to the authority concerned for passing order afresh duly putting the petitioner on notice and giving him an opportunity to file necessary documents to substantiate the age of his father. If any such document is filed, the authority shall duly verify the same and take the documents into consideration and pass necessary orders in accordance with law. It is needless to observe 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 12 weeks from the date of receipt of the copy of this order. Any order passed shall be communicated to the party.

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

(A. Abhishek Reddy, J)

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