

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17271 of 2022

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Mukesh Kumar, son of Late Vijay Singh, Resident of Village- Dhokraha, P.S.-
Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Joint Secretary, Food and Consumer Protection Department, Bihar at Patna.
2. The District Magistrate, West Champaran at Bettiah.
3. The Sub-Divisional Officer, Bettiah, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, 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 04-09-2025 Heard learned counsel for the parties.

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

“.....for issuance of an appropriate writ/direction/order particularly in the nature of writ of certiorari, for quashing the order dated 24.06.2022 passed by District Level Supply Selection Committee under the Chairmanship of the District Magistrate, West Champaran at Bettiah, in the meeting held for issuance of new Licenses to the dependents of the deceased License holders under the Public Distribution System (For brevity, PDS) on Compassionate ground, whereby candidature of the petitioner for allotment of PDS License on compassionate ground, as the grandfather of the petitioner, Late Krishnadeo Singh, was a PDS License-



holder, vide License No. 121/2016 (Old License No. 44/2007) for Fair Price Shop was denied and not accepted on the ground that the petitioner happens to be grandson of the deceased License-holder, since according to the provisions of Section 10 of the Bihar Public Distribution System (Control) Order, 2016 PDS License may be allotted to only wife/husband, son, unmarried daughter, daughter-in-law, and widow of the son of the deceased license-holder.

The father of the petitioner, Late Vijay Singh, also died on 25.09.2018.”

3. The present writ petition has been filed seeking compassionate appointment of the petitioner which was held by the grand-father of the petitioner, namely, Late Krishnadeo Singh who was the PDS license holder.

4. Learned counsel appearing on behalf of the petitioner submits that the father of the petitioner has expired on 25.09.2018 and, thereafter, the petitioner is only eligible person for applying under compassionate appointment after the death of his grand-father on 01.03.2018. Though the petitioner has made an application, the same has been rejected on 24.06.2022 by the District Level Supply Selection Committee under the Chairmanship of the District Magistrate, West Champaran at Bettiah. Learned counsel states that the petitioner being the only legal heir of his late father is eligible for being appointed as



PDS licence holder under the compassionate appointment. Therefore, the rejection of the application made by the petitioner is without any legal basis. Learned counsel has, therefore, prayed this Court to set aside the impugned order and direct the official-respondents to issue the licence in favour of the petitioner.

5. Per contra, the learned counsel appearing on behalf of the respondent-authority submits that there is no provision in the Bihar Targeted Public Distribution System (Control) Order, 2016 which permits the authorities to issue a PDS license in the name of the grand-child.

6. Learned counsel submits that the Rule 10 of the Bihar Targeted Public Distribution System (Control) Order, 2016 reads as under:

“10. 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 dependent, 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.”

7. Learned counsel for the respondents submits that the persons who are enumerated in the above rule are only eligible for appointment as a PDS Dealer. Learned counsel has, therefore, prayed this Court to dismiss the present CWJC.

8. Admittedly, in the present case, the petitioner is a grand-son of the PDS license holder and not the son. As per Rule 10 of the Bihar Targeted Public Distribution System (Control) Order, 2016, there is no provision for appointing a grand-son on compassionate appointment.

9. Having regard to the same, this Court does not find any infirmity or illegality in the order dated 24.06.2022 passed by the District Level Supply Selection Committee under the Chairmanship of the District Magistrate, West Champaran at Bettiah. The present CWJC is, accordingly, dismissed.

(A. Abhishek Reddy, J)

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