

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21552 of 2018

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Sunil Kumar Son of Late Sadanand Prasad Yadav, Resident of Village-
Keshauri, P.S.- Sangrampur Tetiya Bumber, District- Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna
2. The Collector, District- Munger.
3. The Licensing Officer cum Sub Divisional Officer, Kharagpur.
4. The Circle Officer cum Block Supply Officer, Tetiya Bambar, District- Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha
For the Respondent/s : Mr. S.Raza Ahmad -AAG 5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 08-09-2025

1. The writ petition is filed for the following reliefs:

“(A) A writ in the nature of certiorari or any other appropriate writ, order, direction, quashing the order dated 26.03.2018 and 13.4.18. passed by the Licensing Officer cum Sub Divisional Officer, Kharagpur as communicated through Memo No. 91 dated 13.04.2018 issued under the signature of Licensing Officer cum Sub Divisional Officer,



Kharagpur canceling the petitioner's application for grant of License and grant of Jan Vitran Pranali Shop on compassionate ground.

(B) A writ in the nature of any appropriate writ, order, direction commanding the respondents to act in accordance with law.

(C) Any other reliefs which the petitioner is found entitled to.”

2. The brief facts, as culled out of the petition are that Late Sadanand Prasad Yadav held the license of a Jan Vitran Pranali shop (License No. 20/07) at Panchayat Keshouli, till 12.01.2016. After the demise Sadanand Prasad Yadav, the petitioner being his son applied for grant of licence before the Sub-Divisional Officer cum Licensing Officer, Kharagpur, on 09.04.2016 on compassionate grounds. In Support of his application, the petitioner annexed documents, including residence certificate, death certificate, affidavits from family



members, and other relevant papers. The petitioner claimed that he was entitled for the license on compassionate ground as the legal heir and was maintaining the family after his father's demise.

3. It is submitted that the Licensing Authority rejected the application vide orders dated 26.03.2018 and 13.04.2018, relying on the Public Distribution System (Control) Order, 2011, which specifically stipulates that compassionate licenses cannot be granted, if the deceased licensee was more than 55 years of age, at the time of his death. The petitioner's father was found to be 57 years old at the time of death, based on verifications including Election Commission records and school transfer certificates (which were found questionable). Consequently, the application of petitioner was denied. The petitioner contended that the rejection of the application was arbitrary, illegal, and in violation of the principles of natural justice.

4. It is submitted that the petitioner was



entitled for license under the Public Distribution System (Control) Order, 2016, which provides priority to the spouse, son, unmarried daughter, daughter-in-law, and widow of the deceased licensee.

5. It is further submitted that all required documents and affidavits were duly submitted and that the Licensing Authority failed to apply its mind.

6. The Learned counsel for the petitioner submitted that no valid proof was furnished by the respondents for determination of the age of the deceased licensee at the time of death.

7. A detailed counter affidavit was filed on behalf of the respondents stating that Late Sadanand Prasad Yadav, was above 55 years of age at the time of his death and, therefore, as per the petitioner was not entitled to Public Distribution System (Control) Order, 2011, compassionate transfer of licenses.

8. The Learned counsel for the respondents submitted that the Licensing Authority duly



considered the petitioner's application and supporting documents. However, the report from the Block Supply Officer, revealed that no valid educational certificate was produced and the transfer certificate relied upon was found to be forged of the school principal.

9. It is further asserted that the petitioner's application was rightly rejected in accordance with the rules and applicable laws.

10. It is further submitted that the impugned order dated 26.03.2018, subsequently corrected by Memo No. 91 dated 13.04.2018 was lawful and required no interference as the petitioner failed to make out a prima facie case for grant of relief.

11. Heard the Learned counsel for the petitioner as well as the Learned counsel for the State and perused the record.

12. Upon perusal of the records, it appears that the Circle Officer cum Block Supply Officer reported the absence of a valid educational certificate for Late Sadanand Prasad Yadav. The



documents available on record, including the Election Commission photo identity card, clearly indicate that the deceased was around 57 years of age at the time his death.

13. It is not in dispute that the Public Distribution System (Control) Order, 2011, was in force at the relevant time, and it explicitly disqualifies the heirs of a deceased licensee from obtaining compassionate transfer of licenses if the deceased licensee was aged about 55 years of age.

14. Accordingly, the petitioner is not entitled to compassionate benefit under the said Control Order.

15. From the facts and circumstances stated above, the application of the petitioner for compassionate ground was rejected by the Licensing Authority is in accordance with law and does not suffer from any illegality or arbitrariness warranting interference by the Court under its Writ jurisdiction.



16. According, this writ petition is dismissed as devoid of merits.

17. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.09.2025
Transmission Date	

