

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7706 of 2023

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Santosh Kumar Singh Son of Late Prahalad Singh Resident of Village-
Maliyaghat Sankarwar Tola, Ward No. 15 Mokama, Police Station- Mokama,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply
Department, Bihar, Patna.
2. The District Supply Officer, Patna.
3. The Sub Divisional Officer, Barh, Supply Division, Patna.
4. The Block Supply Officer, Mokama, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Adv.
For the Respondent/s : Mr.Arvind Ujjwal (Sc 4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 14-07-2026

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

*(i) For issuance of an
appropriate writ/writs or direction to
the Respondents to renew/grant
Public Distribution System PDS
License No. 165/2016 of PDS Shop,
Ward No. 15, Mokama Nagar
Parishad on compassionate ground
as his father was PDS Shop dealer,
and died on 18.05.2021 due to
Covid-19 during continuance of PDS
Shop. The father of petitioner was
holding PDS Shop License from last
40 years and as such the petitioner
was co-operating his father in
running of PDS Shop and as such the*



said PDS Shop is only source of bread earning, after death of his father due to Covid-19 the said PDS Shop license has been kept in abeyance and as such the petitioner and dependant Late Prahalad Singh, Widow mother and three unmarried daughters are dependant and in death due to Covid-19 there is no fault on their part.

(ii) Further for a direction to the Respondent to quash and set aside the Letter No. 76 dated 21.10. 2021 by which the candidature of petitioner for compassionate ground has been not recommended on the lame execute that the date of death the age of father of petitioner was 72 years and as such not entitled to get license as the license holder was more than 58 years on the date of death. The aforesaid. law for compassionate ground recommendation is for general normal death not for death due to Covid-19.

(iii) Further for issuance of an appropriate writ/writs in the facts and circumstances of the case.

2. The brief facts, as culled out from the Writ petition, are that the father of the petitioner was holding a P.D.S. license for the past forty years, and the petitioner was assisting his father in running the P.D.S. shop. On 18.05.2021, during the



COVID-19 period, the father of the petitioner died. Thereafter, the P.D.S. license was got cancelled, and as such, the petitioner, his mother, and three unmarried daughters were the dependents of the petitioner's father, for which the petitioner submitted an application for compassionate appointment for P.D.S. dealership in view of the death of his father. Thereafter, the respondent authority, vide order dated 21.10.2021 bearing Letter No. 76, rejected the application of the petitioner for compassionate appointment on the ground that his father was aged about 72 years as on the date of his death. Being aggrieved by the same, the present Writ petition has been filed.

3. It is the specific contention of the Learned counsel for the respondents that Rule 10 of the Bihar Targeted Public Distribution System (Control) Order, 2016 stipulates that, in case of death of a fair price shop licensee below the age of 58 (fifty-eight) years, his shop may be allotted, in order of priority, to his legal heirs, and the application has to be filed within two years from



the date of death of the P.D.S. licensee. It is further contended by the Learned counsel for the respondents that the age of the petitioner’s father was 72 years as on the date of his death. The Rule does not permit compassionate appointment of the petitioner or any other legal heir.

4. Considering the material available on record, it is evident that the age of the father of the petitioner was 72 years as on the date of his death. The Rule itself does not permit the allotment of a fair price shop license on compassionate grounds. Therefore, this Court does not find any error or irregularity in the order passed by the respondent authority, and the same requires no interference.

5. In view of the aforesaid discussions, the Writ petition is dismissed as being devoid of merit.

(G. Anupama Chakravarthy, J)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.07.2026
Transmission Date	

