

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9911 of 2023

Sanjeet Kumar Batar, S/o Late Budhan Lal Batar, R/o Village/Mohalla-Chainpur, P.O.-Kuttigola, P.S.-Angarh Hat, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Food and Civil Supply Government of Bihar, Patna.
2. The Principal Secretary, Food and Civil Supply Bihar, Patna.
3. The District Magistrate, Purnea.
4. The District Supply Officer, Baisa, Purnea.
5. The Sub-Divisional Officer, Baisi, Purnea.
6. The Block Supply Officer, Baisa, District-Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan, Adv.
For the Respondent/s : Mr.S. Raza Ahmad (AAG 5)

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

17 09-02-2026

Heard learned counsel for the parties.

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

“(i) For quashing the order dated 06.05.2016 as contained in memo no. 2295 dated 06.05.2016 issued and passed by the Sub divisional Officer Baisi, whereby and where under the learned Sub divisional Officer Baisi, has cancelled the Fair Price shop of the father of the petitioner under Public Distribution system bearing License no. 06/07, without considering the show-cause reply of the petitioner, only on the basis of recommendation made by the Block supply officer-cum-Circle Officer, Baisa.

(ii) Further for directing and commanding the respondents to restore the PDS license and



supply to the Fair Price shop of the father of under the petitioner Public Distribution system bearing License no.06/07, after considering the case of the petitioner for grant of PDS shop license to the petitioner on compassionate ground, (Substituting the name of the petitioner) who is the son of Late Budhan Lal Batar (original licensee), who unfortunately died on 05.02.2018, after quashing the letter no.13 dated 11.02.2020 issued by Block Supply Officer Baisa.

iii) For any other appropriate relief/reliefs to which the petitioner is found entitled in the facts and circumstances of this case.”

3. Learned counsel appearing on behalf of the petitioner submits that the father of the petitioner was a PDS dealer and after the death of his father on 05.02.2018, the petitioner has applied under the compassionate appointment. Learned counsel submits that the application made by the petitioner has been rejected on 11.02.2022 (Annexure P/4). Learned counsel submits that the order passed by the authority is illegal, bad, perverse and contrary to the provisions of the Bihar Targeted Public Distribution System (Control) Order, 2016. Learned counsel therefore submits that the order impugned in the present writ petition may be set aside and the matter remanded back to the authority concerned for passing orders afresh.



4. Per contra, the learned counsel appearing on behalf of the Respondent-State has vehemently opposed the very maintainability of the writ petition. Learned counsel submits that the PDS license of the father of the petitioner was cancelled vide order dated 06.05.2016 (Annexure 5) and neither the petitioner nor his father during his life time bothered to challenge the same. Learned counsel submits that when the original PDS license was not in existence as on the date of death of the PDS license holder the question of appointing the petitioner on compassionate ground does not arise. Learned counsel submits that the present writ petition is devoid of merits and the same may be dismissed.

5. In order to resolve the issues involved in the present writ petition, it is necessary to extract Rule 10 of the Bihar Targeted Public Distribution System (Control) Order, 2016, which 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 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.”

6. A perusal of Rule 10 of the Control Order, 2016 reveals that in case a PDS dealer dies before the age of 58 years then the shop can be allotted in order of priority either to his wife, son, unmarried daughter, daughter-in-law or widow of his son. Further the said application has to be made within two years from the date of death of the PDS licensee by his dependent/s.

7. Admittedly in the present case as on the date of death of the father of the petitioner there was no valid license existing, therefore, the stand taken by the respondent-authority rejecting the application made by the petitioner cannot be faulted with. Compassionate appointment can be made in favour of the dependent/s enumerated in Rule 10 of the Control Order, 2016 only in case the license is valid and subsisting but not otherwise. Neither the petitioner nor his father during his



lifetime have challenged the order of cancellation dated 06.05.2016 (Annerxure 5).

8. Having regard to the same, this Court does not find any merit in the present writ petition and the same is accordingly dismissed. However, it is left open to the petitioner to avail the remedies as available to him under the law for challenging the order of cancellation dated 06.05.2016 passed against his father if he is so advised.

(A. Abhishek Reddy , J)

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