

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15842 of 2025

=====

Rupa Kumari @ Rupa Jayasaval, Wife of Braj Kishor Chaudhari, Resident of
Mohalla-Bichbazar, P.S.-Mohiuddin Nagar, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Patna.
2. The Director of Food and Civil Supplies, Bihar, Patna.
3. The District Magistrate-cum-Chairman, District Selection Committee, Samastipur.
4. The District Supply Officer, District-Samastipur.
5. The Sub-Divisional Officer-Cum-Licensing Authority, Patori, Samastipur.
6. The Block Supply Officer, Block Mohiuddin Nagar, District-Samastipur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Amit Kumar, Adv.
For the Respondent/s	:	Mr.Additional Advocate General (12) Mr. Majit Mahboob Khan, Adv.

=====

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

2 13-01-2026 Heard the parties.

2. The present writ petition is filed for the following

relief(s):-

“(i) For issuance of appropriate writ/ writs/ direction / directions/order/orders, for directing the respondent authority to 'transfer' PDS License of deceased father-in-law of petitioner (Late Ram Swarth Chaudhary) bearing PDS License No.- 26/2007 to the petitioner and to appoint the petitioner on compassionate ground, which PDS Shop is situated at/in Gram Panchayat-Mohiuddin Nagar, South, Block Mohiuddin Nagar, District-Samastipur.



(ii) for directing the respondent authority to grant PDS License to the petitioner on compassionate grounds as per the rules, as the son of the deceased is not educated enough to run PDS.

(iii) Any other relief or reliefs for which the petitioner is found entitled to.”

3. As per the provisions of Section 11 of the Bihar Targeted Public Distribution System (Control) Order, 2016 reads as under:-

11. Disqualifications of getting a fair price shop license.

(i) No fair price shop license shall be granted to more than one member in a joint family. Father, mother, brother, brother's wife, husband, wife, son, son's wife and step brother shall come in the definition of the family.

(ii) A mukhia, a sarpanch, a panch, a ward member, a member of a panchayat samiti, a member of a district board, an MLA, a Member of Legislative Council, a member of Parliament, and an elected member of municipal bodies shall not be eligible for allotment of a fair price shop during his tenure as such capacity.

(iii) An owner of a flour mill and his near relatives shall not be allotted a fair price shop.

(iv) A minor or a lunatic or an insolvent shall not be allotted a fair price shop.

(v) A person finally convicted by the court under the Essential Commodities Act,1955 or in any other criminal case shall not be allotted a fair price shop.



(vi) A person holding a post of profit in the Government shall not be allotted a fair price shop.

4. The relevant provision of the act more specifically Rule 11(i) of the control order makes it very clear that only the family members enumerated therein are eligible to be appointed as PDS dealer under compassionate ground. The petitioner herein claims to be the son-in-law of the deceased PDS dealer, therefore his case cannot be considered under the said rule.

5. Having regard to the same, the relief claimed in the present writ petition can not be granted and the same is accordingly dismissed.

(A. Abhishek Reddy , J)

Bhardwaj/-

U			
---	--	--	--

