

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15396 of 2023

=====

Ajit Singh Son of Late Ram Ratan Singh @ Ratan Singh Resident of Village-
Sakarwara, P.S.-Gaighat, District-Muzaffarpur, PIN-843118.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The District Supply Officer, Muzaffarpur.
4. The Sub Divisional Officer, Muzaffarpur (East), Muzaffarpur.
5. The Asst. District Supply Officer, Muzaffarpur.
6. The Marketing Officer, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Saptashwa Singh
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 22-07-2026

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

“For direction upon the Respondents to consider the prayer of the petitioner for grant of License for Fair Price Shop under Public Distribution System (P.D.S.) on compassionate ground.

II) Any other relief(s) that your lordships may deem fit and necessary in the facts and circumstances of this case”

2. The case of the petitioner, as per Writ



petition, is that his father was a licensed Fair Price Shop (PDS) dealer of village Sakarwara, Block Gaighat, District Muzaffarpur. After the death of his father on 26.03.2012, the family's only source of livelihood came to an end, resulting in severe financial hardship. Initially, the petitioner's mother applied for grant of the PDS licence on compassionate ground, but her application could not be considered as a criminal case was instituted against her regarding the genuineness of the birth certificate submitted by her.

3. Thereafter, the petitioner, being the eldest son of the deceased licence holder, applied for grant of the PDS licence on compassionate ground. He submitted the required representations and also furnished affidavits from the other legal heirs expressing their no objection to the licence being granted in his favour. Despite repeated representations, including the last representation dated 19.04.2023, the respondent authorities have neither considered nor decided his claim.

4. The petitioner claims that he fulfils all



the eligibility conditions for grant of the PDS licence, no fresh licence has been granted to any other person for the concerned shop, and therefore he is entitled to consideration of his claim on compassionate ground.

5. The Learned counsel for the petitioner submits that after the death of the petitioner's father, who was a licensed PDS dealer, the family has been left without any source of livelihood and is facing acute financial hardship. It is submitted that the petitioner, being the eldest son of the deceased licence holder, applied for grant of the PDS licence on compassionate ground and fulfilled all the eligibility requirements.

6. It is further submitted that no licence has been granted to any other person for the concerned Fair Price Shop and, therefore, there is no legal impediment in considering the petitioner's case. It is contended that under the relevant provisions of the Bihar Fair Price Shop Order, the petitioner is entitled to consideration of his claim on compassionate ground. Accordingly, it is prayed



that the respondent authorities be directed to consider and decide the petitioner's application for grant of PDS licence in accordance with law within a time-bound period.

7. A counter affidavit was filed on behalf of the respondent contending that the Writ petition is devoid of merit and is liable to be dismissed. It is submitted that the petitioner's claim for grant of a PDS licence on compassionate ground was never found fit for consideration as the requirements prescribed under the Bihar Targeted Public Distribution System (Control) Order were not fulfilled.

8. It is further submitted that the application initially submitted by the petitioner's mother was found to be based on doubtful documents, which led to registration of a criminal case against her. Thereafter, the petitioner also failed to furnish the necessary documents within the prescribed period. The claim for compassionate appointment/licence was also made beyond the permissible period of two years from the death of



the original licence holder, and therefore the petitioner was not entitled to any relief.

9. The Learned counsel for the respondents further submits that the affidavits filed by the petitioner did not contain the consent or signatures/thumb impressions of all the legal heirs and, therefore, the mandatory requirements for grant of licence were not complied with. It is also submitted that there is no requirement for opening or allotting a new PDS shop in the concerned area.

10. It is contended that the respondent authorities acted strictly in accordance with the provisions of the Bihar Targeted Public Distribution System (Control) Order and afforded sufficient opportunity to the petitioner to remove the deficiencies in his application. Since the petitioner failed to comply with the prescribed requirements, no illegality or arbitrariness can be attributed to the authorities. Accordingly, it is prayed that the Writ petition be dismissed.

11. Having heard the Learned counsel for the parties and upon perusal of the materials



available on record, this Court finds that the controversy involved in the present case relates to the petitioner's claim for grant of a Fair Price Shop licence on compassionate ground.

12. For better appreciation of the issue, Clause 10 of the Bihar Targeted Public Distribution System (Control) Order, 2016 is reproduced hereinbelow:

"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 dependant, 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."

13. From the aforesaid provision, it is evident that an application for grant of a Fair Price Shop licence on compassionate ground is required to be submitted within a period of two years from the date of death of the original licence holder. The petitioner claims to have submitted a representation on 11.03.2014, which, according to him, was within the prescribed period, whereas the respondents have disputed the said claim.

14. Without expressing any opinion on the merits of the rival contentions, this Court deems it appropriate to direct the competent authority to examine whether the petitioner's application/representation was submitted within the prescribed period and whether the petitioner



fulfils the other eligibility conditions prescribed under the applicable Rules.

15. Accordingly, the competent authority shall consider the petitioner's claim and pass a reasoned and speaking order, either accepting or rejecting the same, strictly in accordance with law, after considering all the relevant records and the applicable provisions, within a period of three months from the date of receipt/production of a copy of this order.

16. With the aforesaid observations and directions, the Writ petition stands disposed of.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.07.2026
Transmission Date	

