IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16655 of 2023

CNR No. BRHC011074162023

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Renu Devi Wife of Arvind Singh and daughter-in-law of Late Rajeshwar Singh, resident of Village and P.O. Daraili Mathiya, Police Station and Block-Darauli, District-Siwan.

... ... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food Supply and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Sub-Divisional Officer, Siwan Sadar, District-Siwan.
4. The Block Supply Officer, Darauli, District-Siwan.

... ... Respondent/s

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Appearance :
For the Petitioner/s : M/s Ajay Kumar Tiwary
Nirbhay Prashant, Advocates
For the Respondent/s : M/s Subodh Kumar Jha, AAG 1
Chandra Mohan Jha, AC to AAG 1

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT
Date : 29-10-2026

1. The petitioner has filed the instant application for the following reliefs:

> *"i) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to grant license of Public Distribution System's shop in the name of this petitioner on compassionate ground as the Public Distribution System's shop license no.299 of 2007*

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was running in the name of late Rajeshwar Singh, the father-in-law of this petitioner, who died and only this petitioner is entitled to run the Public Distribution System's shop.

ii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities to consider the claim of the petitioner for grant of license of Public Distribution System's shop on compassionate ground after death of her father-in-law late Rajeshwar Singh, who is suffering a lot after death of her father-in-law and only the livelihood of her family.

iii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities to dispose off the application of the petitioner dated 21.11.2014 which is pending before the respondent no.3 with reasoned and speaking order.

iv) For issuance of any other appropriate writ/writs, order/orders,

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direction/directions for which the writ petitioner will be found entitled in the facts and circumstances of the case."

2. The brief facts culled out of the Writ petition are that the father-in-law of the petitioner, late Rajeshwar Singh, was holding a licence for running a Public Distribution System (PDS) shop, bearing Licence No. 299 of 2007, who died on 25.08.2014. Thereafter, the petitioner applied for grant of the licence on compassionate grounds on 21.11.2014. Following an inquiry, the Block Supply Officer, Darauli, submitted his report dated 04.04.2015 to the District Selection Committee, Siwan. The petitioner claims that the wife of the deceased licence holder supported her application by an affidavit stating that her elder son, Arbind Kumar Singh, was mentally unfit to run the shop and that the petitioner was capable of managing it. However, Arbind Kumar Singh subsequently applied for the licence on 04.12.2018, and the respondent authority, by order dated 05.02.2021 passed in Supply Case No. 10 of 2020-21, forwarded his

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application to the District Level Supply Selection Committee. The petitioner's application has allegedly remained undecided for more than nine years, compelling her to approach this Court.

3. The Learned counsel submits that the petitioner's application for grant of a PDS licence on compassionate grounds has not been decided despite the inquiry report and supporting documents being available on record. It is further submitted that the respondents have failed to consider her claim in accordance with the applicable government guidelines, causing undue hardship to the petitioner and her family. Accordingly, the Learned counsel seeks appropriate directions for consideration of her application in accordance with law.

4. A counter affidavit has been filed on behalf of the respondents, discloses that the petitioner’s claim was considered by the competent authority and was rejected by order dated 05.02.2021, as the affidavits submitted in support of the respective claims of the petitioner

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and her husband were contradictory. It is further submitted that the petitioner has not challenged the said order, and her husband's application was also rejected by the District Compassionate Committee on 30.09.2021 for being time-barred under the Bihar Public Distribution System Control Order, 2016. The Learned counsel, therefore, submits that the Writ petition, being devoid of merit, is liable to be dismissed.

5. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents and perused the materials available on record.

6. It is evident from the record that the original licence holder, late Rajeshwar Singh, died on 25.08.2014, whereafter the petitioner being his daughter-in-law, applied for grant of the PDS licence on compassionate grounds on 21.11.2014. The wife of the deceased licence holder, by affidavit dated 08.06.2016, stated that she and her sons were unable to run the shop and that her elder son, Arbind Singh, was suffering from mental

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illness, whereas the petitioner was literate and capable of running the shop.

7. The respondents rejected the petitioner’s claim on the ground that the affidavits submitted in support of the competing claims were contradictory. However, the petitioner’s claim requires fresh consideration by the competent authority in light of the relevant documents and the applicable provisions of the Bihar Public Distribution System Control Order, 2016. The rejection of the petitioner’s claim without proper reconsideration of the relevant circumstances cannot be sustained. It is the duty incumbent upon the respondents to appoint any of the family members of the deceased licensee hold on compassionate appointment. The respondents cannot reject the claim of the petitioner on the ground and the claim of his husband as another ground depriving the right of the petitioner inspite of making his application within the stipulated time as per the PDS Orders, 2016.

8. Accordingly, the Writ petition is

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allowed. The impugned order dated 05.02.2021 is set aside, and the matter is remitted to the Licensing Authority-cum-Sub-Divisional Officer, Siwan Sadar, for fresh consideration of the petitioner's claim for grant of the PDS licence in accordance with law, after taking into account the relevant documents and circumstances and for passing a reasoned order.

9. The aforesaid exercise shall be completed within a period of two months from the date of receipt/production of a copy of this judgment.

10. The writ application stands allowed in the aforesaid terms.

11. Interlocutory Application, if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2026
Transmission Date	

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