

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24826 of 2019

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Surydev Ray S/o Ramswarth Rai R/o Village Kutubpur, Ward No. 15, P.S. Bidupur, District Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Level Selection Committee Vaishali through its Chairman.
3. The District Magistrate Vaishali.
4. The Sub- Divisional Officer Vaishali.
5. The Block Supply Officer Bidupur, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
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 petitioner has filed the Writ petition for the following reliefs:

“To quash the selection proceeding (which part relate to the petitioner) dated 19.01.2019 by which the claim of the petitioner has been rejected on the ground he has not hold essential qualification under public distribution system (control) order 2016. A copy of proceeding is annexed herewith and marked as Annexure-1 to this application.”



ii. To direct the respondent authority to grant license in favour of the petitioner in Kutubpur Panchayat on the basis of compassionate ground."

2. The petitioner has filed the present writ petition challenging the decision of the District Level Selection Committee dated 19.01.2019, whereby his application for grant of a Fair Price Shop licence on compassionate ground was rejected on the ground that he did not possess the educational qualification of Matriculation as prescribed under the Bihar Targeted Public Distribution System (Control) Order, 2016.

3. It is the case of the petitioner that his father was the holder of Fair Price Shop Licence No. 07/2007 in Kutubpur Panchayat and was operating the shop until his death on 29.05.2017. After the death of his father, the petitioner, being a dependent family member, submitted an application on 07.09.2017 seeking grant of the Fair Price Shop licence on compassionate ground.

4. The petitioner asserts that he is an



unemployed person and has passed Class VIII. His application was considered by the District Level Selection Committee in its meeting held on 19.01.2019, but the same was rejected solely on the ground that he did not possess the educational qualification of Matriculation.

5. Aggrieved by the aforesaid decision, the petitioner has approached this Court seeking quashing of the order of rejection and consequential direction to the respondents to consider his claim for grant of licence on compassionate ground in accordance with law.

6. The Learned counsel for the petitioner submits that the rejection of the petitioner's application is arbitrary and contrary to the provisions of the Bihar Targeted Public Distribution System (Control) Order, 2016. It is contended that while the Control Order prescribes Matriculation as the minimum educational qualification for fresh appointment of Fair Price Shop dealers, no such qualification has been prescribed for grant of licence on compassionate ground to a dependent



of a deceased licensee.

7. It is further submitted that the authorities have erroneously applied the educational qualification prescribed for fresh applicants to a case of compassionate appointment, although the Control Order does not contain any such stipulation in respect of compassionate cases.

8. The Learned counsel further submits that the petitioner's family was entirely dependent upon the income derived from the Fair Price Shop, and after the demise of the petitioner's father, the family has been left without any regular source of livelihood. It is argued that the very object of compassionate appointment is to provide immediate financial assistance to the bereaved family, and the impugned rejection defeats the purpose of the scheme.

9. It is also contended that several Fair Price Shop dealers in the State are not Matriculates and, in certain similarly situated cases, applications of non-Matriculate dependents have



been accepted by the authorities. Therefore, the petitioner's claim has been rejected in a discriminatory manner, offending Article 14 of the Constitution of India.

10. On the aforesaid grounds, learned counsel submits that the impugned decision dated 19.01.2019 is unsustainable in law and is liable to be quashed with a direction to the respondents to reconsider the petitioner's claim for grant of Fair Price Shop licence on compassionate ground in accordance with the provisions of the Bihar Targeted Public Distribution System (Control) Order, 2016.

11. At this juncture, the Learned counsel for the respondents submits that the issue involved in the present writ petition is no longer *res integra*. It is contended that the issue stands squarely covered by the order dated 24.06.2026 passed by this Court in **C.W.J.C. No. 20918 of 2019 (Panna Lal Prasad Vs. The State of Bihar & Ors)**, wherein an identical issue was considered and adjudicated. Therefore, the



Learned counsel for the respondents submits that in view of the aforesaid judgment, the present writ petition may also be disposed of, in terms of the order dated 06.09.2022.

12. In **Panna Lal Prasad** (supra) this Court has held as follows:

“7. It is the specific contention in the counter affidavit that criteria for appointment on compassionate grounds, requires that the legal heirs of the deceased PDS licence dealer should possess minimum educational qualification of “Matriculation.” It is also contended that the petitioner does not have the minimum criteria of matriculation certificate; rather he is only a fifth class pass. Therefore, the District Magistrate rejected the application of the petitioner for compassionate appointment contending that he lacks the required qualification.

8. The contents of the Writ petition at Para-11 also disclose that the petitioner is only a fifth class pass and falls under the category of non-matriculate. As, the petitioner does not possess the minimum required



qualification, there is no error or irregularity in the order passed by the District Magistrate, West Champaran vide order dated 21.01.2019.

9. With the aforesaid discussion, this Court is of the considered opinion that the petitioner does not possess the minimum educational qualification for compassionate appointment and no irregularity is found in the orders of the District Magistrate dated 21.01.2009.

10. Therefore, the Writ petition is dismissed, as it is devoid of merits."

13. The Learned counsel for the State has also drawn the attention of this Court to Clause 9(v) of the PDS Control Order, 2016, which reads as under:

"9(v) The applicant of a fair price shop's license must be matric pass and an adult;

Provided that the applicant having computer knowledge shall be given priority. In case of equality in computer knowledge, the applicant having highest qualification and in



case of equality in highest qualification also the applicant of older age shall be given priority. "

14. Upon perusal of Clause 9(v) of the PDS Control Order, 2016, it is evident that the applicant of a fair price shop's license must be a matriculate.

15. In the present case, the contents of the Writ petition at Para-8 also disclose that the petitioner is only a 8th class pass and falls under the category of non-matriculate. As, the petitioner does not possess the minimum required qualification, there is no error or irregularity in the order passed by the Selection Committee dated 19.01.2019

16. With the aforesaid discussion, this Court is of the considered opinion that the petitioner does not possess the minimum educational qualification for compassionate appointment and no irregularity is found in the orders of the Selection Committee dated 19.01.2019.



17. Therefore, the Writ petition is dismissed, as it is devoid of merits in terms of the aforesaid judgment passed in **Panna Lal Prasad** (supra).

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.07.2026
Transmission Date	

