

IN THE HIGH COURT OF KARNATAKA
GULBARGA BENCH

DATED THIS THE 31ST DAY OF JULY, 2014

BEFORE

THE HON'BLE MR.JUSTICE B.S.PATIL

W.P.No.204198/2014 (GM-EC)

BETWEEN:

Laxman, S/o Shankrappa,
Age: 33 years, Occ: Coolie,
R/o Gounalli Village,
Tq: Jewargi,
Dist: Gulbarga – 585 202.

...PETITIONER

(By Sri Veeranagouda, Adv.)

AND:

1. The State of Karnataka,
Dept. of Food & Civil Supply,
Vidhana Soudha,
Bangalore – 560 001.
2. The Commissioner,
Food & Civil Supply,
Cunningham Road,
Bangalore – 560 052.
3. The Deputy Commissioner (Food),
Gulbarga District,
Gulbarga – 585 101.
4. The Assistant Director,
Food & Civil Supply,
Gulbarga District,
Gulbarga – 585 101.
5. The Tahasildar,
Jewargi Taluk,
Jewargi,
Dist: Gulbarga – 585 202.

...RESPONDENTS

(By Sri Shivakumar R.Tengli, AGA)

This Petition is filed under Articles 226 & 227 of the Constitution of India praying to quash the endorsement dated 25.02.2014 issued by the 5th respondent vide Annexure-E.

This petition coming on for Preliminary Hearing this day, the Court made the following:

ORDER

1. Learned Additional Government Advocate is directed to take notice for the respondents.
2. Though this matter is listed for preliminary hearing, having regard to the short question involved, the same is taken up for final disposal.
3. Father of the petitioner one Shankarappa was given authorization for distribution of kerosene oil. His license was renewed from time to time till he died on 12.02.2011. Petitioner being the son of late Shankarappa filed application on 22.11.2013 requesting for grant/transfer of authorization on compassionate grounds. Copy of this application is produced at Annexure-C. The 5th respondent vide endorsement dated 25.02.2014 produced at Annexure-E, has rejected the application of the petitioner on the ground that he has not passed SSLC. Aggrieved by the same, the present writ petition is filed.

4. I have heard the learned Counsel for the parties and find from the averments made in the writ petition that the petitioner was major on the date he made the application on 22.11.2013 and had passed 7th Standard. If that is so, his application is required to be considered in accordance with law. Mere fact that he has not passed SSLC cannot render him ineligible for the purpose of transfer of authorization on compassionate grounds as held by this Court. The requirement of pass in SSLC is not necessary.

5. Hence, this writ petition is allowed. The impugned endorsement – Annexure-E is quashed. A direction is issued to the respondents to consider the representation – Annexure-C submitted by the petitioner on 22.11.2013 within a period of six weeks from the date of receipt of a copy of this order.

6. Learned Additional Government Advocate is permitted to file memo of appearance within three weeks from today.

**Sd/-
JUDGE**

KK