

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31<sup>ST</sup> DAY OF JULY, 2021

BEFORE

THE HON'BLE MR.JUSTICE P.S. DINESH KUMAR

**WRIT PETITION No.13724 OF 2021 (GM-PDS)**

**BETWEEN :**

SMT. H.G. MAMATHA  
W/O LATE D.S. NAGARAJU  
AGED ABOUT 41 YEARS  
R/O DESHHALLI VILLAGE  
KASABA HOBLI  
MADDUR TALUK-571 428

...PETITIONER

(BY SMT. ARCHANA MURTHY, ADVOCATE)

**AND :**

1. THE STATE OF KARNATAKA  
REP. BY ITS PRINCIPAL  
SECRETARY TO GOVERNMENT  
DEPARTMENT OF FOOD AND  
CIVIL SUPPLIES, VIKAS SOUDHA  
DR. B.R. AMBEDKAR VEEDHI  
BENGALURU-560 001
2. THE DEPUTY COMMISSIONER (FOOD)  
MANDYA DISTRICT  
MANDYA-571 404
3. THE JOINT DIRECTOR  
DEPARTMENT OF FOOD & CIVIL SUPPLIES  
MANDYA DISTRICT  
MANDYA-571 404

...RESPONDENTS

(BY SHRI.M.VINOD KUMAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ENDORSEMENT DATED 13.07.2021 VIDE ANNEXURE-C ISSUED BY RESPONDENT NO.3 AND DECLARES THAT THE ORDER 13 OF THE AMENDMENT OF KEC (PDS) CONTROL ORDER 2016 CANNOT BE MADE APPLICABLE TO THE CASE ON HAND AND ETC.,

THIS WRIT PETITION COMING ON FOR *PRELIMINARY HEARING*, THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

Learned AGA accepts notice for respondents.

2. Learned advocate for petitioner and learned HCGP jointly submit that while considering a case with regard to application for transfer of authorization under the Karnataka Essential Commodities (Public Distribution System) Control Order, 2016, ('PDS Order' for short) on compassionate ground, this Court in *Smt.Pushpa Vs. The Principal Secretary to Government of Karnataka, Department of Food and Civil Supplies & others (W.P.No.17131/2018 decided on 08.02.2019)*, has held that two conditions namely, that applicant ought to have passed SSLC and the restriction with regard to the age, as untenable.

3. In view of the above, the following:

ORDER

- i) Writ petition is ***allowed***;
- ii) The endorsement dated 13.07.2021 issued by respondent No.3 vide Annexure-C is *quashed*;
- iii) Respondent No.3 shall consider petitioner's request made in Annexure-B in terms of order dated 22.04.2021 passed by this Court in W.P.No.17131/2018, within eight weeks from the date of receipt of a copy of this order.

4. Learned AGA is permitted to file memo of appearance within four weeks.

No costs.

**Sd/-  
JUDGE**

AV