



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE R DEVDAS

WRIT PETITION NO. 3209 OF 2025 (GM-PDS)

BETWEEN:

SHYAMSUNDAR K.J,
AGED ABOUT 32 YEARS,
S/O LATE K.S. JAYARAM,
R/O.KORALAPARTHI VILLAGE,
CHINTAMANI TALUK,
CHICKBALLAPUR DISTRICT - 563 125.

...PETITIONER

(BY SRI. SHIVARAMU H.C, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL
SECRETARY TO GOVERNMENT,
DEPARTMENT OF FOOD AND CIVIL SUPPLIES,
VIKAS SOUDHA, DR. B.R. AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. THE JOINT DIRECTOR/COMPETENT AUTHORITY,
DEPARTMENT OF FOOD AND CIVIL SUPPLIES,
CHICKBALLAPUR DISTRICT,
CHICKBALLAPUR - 563 125.
3. THE COMMISSIONER FOR
FOOD AND CIVIL SUPPLIES,
5TH FLOOR, MARKETING FEDERATION BUILDING,





CUNNINGHAM ROAD,
BANGALORE - 560 052.

...RESPONDENTS

(BY SRI. SESHU V, HCGP)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 12.12.2024 PASSED BY THE SECOND RESPONDENT IN HIS ORDER NO.AA NA SA/DRA/FPD/CHIM/64/2016-17 AT ANNEXURE-B AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE R DEVDAS

ORAL ORDER

The petitioner is aggrieved of the impugned order dated 12.12.2024 at Annexure 'B' issued by the Joint Director, Chickballapur District. However, in the prayer column, no specific prayer is made in respect of Annexure 'C'. Learned Counsel for the petitioner submits that the prayer was not made by inadvertence and therefore, the mistake committed by the learned Counsel should not affect the legitimate rights of the petitioner.



2. Learned Counsel for the petitioner submits that the Joint Director has declined to allow the application filed at the hands of the petitioner seeking transfer of authorization hitherto held by his father Sri Jayaram till his death, on the ground that the application has been filed beyond the prescribed period of 90 days and moreover, the petitioner has not passed S.S.L.C. examination and therefore, the authorization cannot be transferred. Learned Counsel submits that this Court has considered similar circumstances in various cases including ***Sri Mallikarjun Ashok Matti Vs. State of Karnataka and Others*** in W.P.No.105404/2018 dated 04.12.2018, decided at Dharwad Bench. Learned Counsel has drawn the attention of this Court to paragraph-6 of the order wherein the relevant Clause-13 of the Karnataka Essential Commodities Public Distribution System (Control) Order, 2016 was considered by this Court having regard to the earlier decisions rendered by the co-ordinate Benches in W.P.No.8586/2006 dated 21.11.2008; W.P.No.55097/2017 dated 11.12.2017;



W.P.No.204335/2014 dated 17.11.2017 etc and held that prescription of age and minimum educational qualification cannot be made applicable to cases where the authorization is sought to be transferred on compassionate grounds and therefore, directed the authorities to consider their applications without insisting for minimum educational qualification and the age limit prescribed in the proviso and it was also held that the technical ground for making the application within a period of 90 days also should not be made applicable in such cases or should be considered with leniency. When such benefit has been given to many other persons at the hands of this Court, the same cannot be denied to the petitioner.

3. Consequently, this Court is of the considered opinion that even if there is a delay in making the application seeking transfer of authorization on compassionate grounds, the same could be condoned and the respondent-authorities should consider the application.



4. In the light of the above, the writ petition is allowed and the impugned order dated 12.12.2024 at Annexure 'B' passed by respondent No.2 is hereby quashed and set aside. Respondent No.2 is hereby directed to reconsider the application of the petitioner without going into the question of delay, age restriction and educational qualification in the light of the observations made above.

Ordered accordingly.

**Sd/-
(R DEVDAS)
JUDGE**

rv
CT: BHK